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THE CONSTITUTION

OF THE

STATE OF TEXAS,

AS AMENDED IN 1861.

THE CONSTITUTION OF

THE CONFEDERATE STATES



OF AMERICA.

THE ORDINANCES

OF THE

TEXAS CONVENTION:

AND

AN ADDRESS TO THE PEOPLE OF TEXAS.

PRINTED BY ORDER OF THE CONVENTION AND THE SENATE.

AUSTIN:

PRINTED BY JOHN MARSHALL, STATE PRINTER,  
1861.

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# A D D R E S S

TO THE

## PEOPLE OF TEXAS:

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AUSTIN, March 30th, 1861.

*Fellow Citizens:* The undersigned are a committee of the Convention, to prepare a brief exposition of its proceedings, with reasons therefor, as an address to the people, for general information.

The political crisis arose from an irreconcilable diversity of opinion between the Northern and Southern portions of the United States of America, as to relative rights. Separation of Southern from Northern States was the leading object of the popular movement, with a view to a consequent confederacy of seceded States, as the best means, if not the only mode, of securing essential and inalienable rights. In this State, the public mind was exercised by the question of our final separation from all other States; but the idea of such a result had no favor; and the apprehension of it was used as an argument against secession, while the objection was met by the assured policy of a seceded confederacy. Hence, with rare exceptions, the advocates and opponents of immediate and separate secession of this State, commenced and prosecuted the canvass, differing on the leading proposition of secession, but uniting in opinion, that consummated secession should result in confederation, as an incident. So the decisive issue was on secession.

Early in the canvass, public sentiment was entitled to prompt facility for its authoritative expression; and a call of the Legislature was earnestly claimed as the ordinary means. It is needless to recite any of the known particulars of Executive opposi-

tion to the secession movement ; but, the substance of that opposition must be always in mind, in order to understand the popular action of this State. As a remedy against Executive dictation in our State government and against a ruinous administration of the Federal government, the people had but one mode of action ; that was prescribed by, and for themselves, in the declaration of rights in our State Constitution, as follows :

“ SECTION 1. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and they have, at all times, the inalienable right to alter, reform or abolish, their form of government, in such manner as they may think expedient.”

To attain the objects, and under the necessity before stated, the people rose in their sovereignty and constituted a Convention to be the representation and instrumentality of their will. At the election of delegates, although held under utmost disadvantages, the aggregate of votes for secession candidates, according to best information, was over thirty-two thousand. The proceeding was extraordinary, and returns were irregular and incomplete, of necessity, from such an election; but reliable information showed for secession, over 32,000, more than half of the largest poll ever given at an election in this State. In opposition there were comparatively few votes. And many other circumstances concurred in establishing the certainty, that the secession sentiment was far in the ascendancy.

Thus elected, and for such purposes, the delegates assembled in Convention, at Austin, the twenty-eighth of January. Although at the time of the election, South Carolina was the only State that had completed secession, and many persons were deterred from voting by apprehension that she might not be sufficiently imitated, yet the secession voters expected co-operation. Before the meeting of the Convention, Florida, Georgia, Alabama, Mississippi and Louisiana had seceded, and Texas was the only exception among all the Gulf States. Encouraged by such examples, Texas felt sustained in her convictions of the propriety of secession before the commencement of the Abolition administration of the general government. Admonished by the same circumstances, of her peculiar dangers, to arise out of, even, delay in cooperation with those States, Texas had just fears as well as natural sympathies, to prompt the earliest practicable association with the seceded States. They had appointed delegates to meet at Montgomery, Alabama, on the fourth of February, to form a provisional government, as a first

necessity, and afterwards to prepare and submit a constitution for the government of a permanent confederacy. It would be out of place and time, in this address, to recite the causes, justifying secession. They have been heretofore published by the Convention. But, they must ever be most prominent in considering the current of causes and effects.

Under such circumstances, the Convention was not recreant to its mission. On the first day of February, the fourth after its meeting, the Convention, by a vote of one hundred and sixty-six affirmatives to eight negatives, adopted an ordinance for withdrawing this State from the Union, to take effect on the second of March, unless rejected by the people at an election to be held on the twenty-third of February. The Legislature and the Executive had previously recognized the Convention as a representation of the people, and were in a formal attendance, on invitation, at the adoption of the ordinance. Such recognition was gratifying to the public in general, and relieved some persons from doubts of the legality of the Convention; but, it always claimed, by express avowals, to have its authority and instructions directly from the people. The ordinance of separation might have been made immediately final, if necessity had required it; but, there was time before the fourth of March to obtain a more formal and unquestionable expression of public sentiment; and the anniversary of Texan independence, the second of March, was selected as the day of final separation, subject to express rejection at a general election, for which provision was made. While that election was to be decisive on the question of separation, it was, in its nature, to be conclusive on the question of confederation, unless some unexpected event should occur to require another direct and formal expression of the public will. If the Convention could have trifled with itself, it had too much respect for the intelligence of its constituents, to suppose, that they intended to have such an agency constituted simply to prepare and propose a secession ordinance for their ratification or rejection, and then to retire, although the public necessities, which caused the convention, demanded its continuance for immediate and essential action. Even, willing Legislative and Executive functionaries could not do what was necessary, in many respects, for want of authority; and another Convention could not be constituted in time for emergencies, which did not admit of delay. The Convention, as the authorized agency of intelligent public will, proceeded to do whatever the occasion required; but no more. The ordinance of secession involved the public safety, which could not be secured by means of the

ordinary government; and a Committee of Safety was constituted with adequate powers to provide means and to control the U. S. military force, with its incidents, within this State, and to substitute indispensable temporary protection. Further, to secure the public safety, and to obtain other inestimable advantages from immediate connection with the States which had finally seceded and were then in convention at Montgomery, Alabama, delegates to that convention were elected—to be advisory, as to interests of this State, until the consummation of its separation, and then to participate on terms of equality in administration of a provisional government, and in preparation of a Constitution for a permanent confederacy. Moreover, to promote security, and other manifest benefits from the contemplated confederacy, commissioners were delegated to Arizona and New Mexico, to procure their cooperation; and other commissioners were sent to the Choctaw, Chickasaw, Creek and Cherokee nations, to aid in preparing them for alliance with such confederacy. Also, other corresponding measures, of minor importance, were adopted. Having made such arrangements for parts of the great popular enterprise, the Convention adjourned on the fifth of February, to meet again on the second of March, as a continued agency, to execute the public will.

On the day for ratification or rejection of the Ordinance for separation the whole subject was before the voters: The state of the general crisis; what the Convention itself had done; what its Committee of Safety was doing during the recess; what commissioners were to do; and what was the incipient relation and prospect of permanent connection of this State with the Confederacy. The Convention acted, and proposed to act, as the authorised agent of the people, and they had an opportunity to affirm or disaffirm such agency, by ratifying or rejecting its principal act. The result of the election on the Secession Ordinance shows more than three in favor of it to one against it, and an aggregate of over sixty thousand votes,—some additions to the regular announcements being made by subsequent official returns,—and the returns of one hundred and twenty counties being included; while only three small counties are not included, of all that have been organized.

The Convention re-assembled on the second of March, and soon found that the election had re-indorsed it as the public agency for the political reformation which was in progress.

During the recess the Committee of Safety, by its agents, with the spontaneous and patriotic co-operation of citizen soldiery, had made arrangements for removing from Texas, by the

safe, coast-route, the whole military force within Texas, pertaining to the Union, and for the surrender of all property and possessions, (with small, honorary, exceptions,) held in Texas by the federal government. The execution of such arrangements has progressed nearly to completion, and so as to leave no doubt of full accomplishment at an early date, without any violent collision; although the just apprehension of it caused indispensable preparation. The troops thus called into the field, and some others, have supplied the place of those sent away, as well as circumstances would allow, and will continue to do so until superseded by regular forces. Details of the proceedings of the Committee of Safety cannot be here admitted; but they are otherwise published: and they do honor to the Committee and their agents, while sustaining the Convention for constituting such power as a temporary necessity.

The Convention found that the Constitution for the Provisional Government of the Confederacy was well adapted to the emergency, without departing from any essential principle of the Union Constitution; and the measures of the Provisional Government appeared to be well adapted to circumstances. The selection of persons for the Presidency and Vice-Presidency seemed to be entirely appropriate. The Convention had no hesitation in expressing a formal approval of the Constitution and administration of the Provisional Government, which was not to continue longer than one year, and was to be superseded within that time by a permanent government.

It would be out of place, here, to state what the Provisional Government has done, unless in connection with some action of the Convention. But it is proper to say, that the measures of that government have superseded the action of this State on postal affairs, and on revenue by customs. Under that temporary government, also, the judicial jurisdiction is similar to that of the federal government, but with one judge to each State. As to military and naval affairs, the Provisional Government has provided, so that the Convention did not deem its action necessary, except as before stated, and to raise one regiment of mounted volunteers, to serve twelve months, unless sooner discharged. That government is raising in Texas another similar regiment, and will doubtless accept the former. A law of the last session of the present Legislature provided another mode of defence, by small companies of citizens, as Minute Men, along the whole line of frontier, from the Rio Grande to Red River. All these forces are considered more available for protection

against Indians, and other marauders, than any previous forces in Texas since its annexation to the Union Government. But there is a deficiency in artillery, infantry, and engineering forces, for which the Provisional Government is making provision. So there is a better prospect and assurance of protection than has been heretofore given with reference to the interior frontier ; and the change of circumstances must superinduce better preparation for defence along the coast. Moreover, the Legislature is in session, and has power to provide further against insurrection or invasion, if occasion should require.

Secession from the Union and connection with the Confederacy caused a necessity for a change in the State Constitution, so that the oath of office should have "The Confederate States of America" substituted for "The United States of America." One Ordinance made this change ; and another prescribed the times and modes for taking the oath by all present and future officers of the State, declaring a vacancy in case of any failure to take the oath as required. The manner of requirement followed the examples of other States, where willing officials were not captious. The Lieutenant-Governor, Commissioner of the General Land Office, (who was opposed to secession,) Comptroller, State Treasurer, Attorney General, all of the Supreme and District Judges who were in Austin, every member of the State Senate, every member of the House of Representatives, except one, and many county officers, who were in Austin, promptly took the oath, prescribed by the amended Constitution. Of those who thus took the oath, a considerable proportion had opposed secession. But, the Governor and Secretary of State declined to take the oath when notified according to the ordinance therefor. Thereupon the Convention, by another ordinance, declared as consequences, that each office was vacant, and that the Executive powers devolved on the Lieutenant-Governor. The original State Constitution provided, that the Lieutenant-Governor should so act in case of any vacancy in the office of Governor. And so the Lieutenant-Governor is performing the Executive duties without consent, but without resistance, by the late Governor, who still claims to be legally in office. In this and other instances he has "sought out many inventions" to array the functionaries of the State government against the Convention, which has been obliged to control such official opposition, in pursuing the even tenor of the way to render effectual the known public desire for thorough work, to give early security, peace, and quietude. The will of the late Governor has been against that of the people as to their political destiny ; and the one or the other had to yield. The people could not.

At length the "Constitution of the Confederate States of America," for the permanent government, was received. The Convention had previously declared, in its ordinance directing the delegates from this State to participate in forming such a Constitution, that it should "not become obligatory on this State till approved by the people in such way as should be determined upon." That the people might approve by the existing Convention, or that it might provide for another popular election, remained for determination on the arrival of the Constitution. Had it contained any unexpected principle, so as to make a new case in substance, on which the public mind had not been ascertained, the importance of prompt ratification could have yielded to the paramount necessity for another election. But, no such necessity appeared in any part of the Constitution, which did not depart from the general expectation, unless it did so in the excellence of its conformity with the best hope of the people. Former elections, with attending circumstances, left no doubt of the public wish and the corresponding authority of the Convention for immediate and final ratification of the Constitution. If the power existed, the expediency of such a course was commanding, for various reasons. The people could not desire to be troubled by another general election without necessity, and they felt the importance of early relief from strife within this State as to its political position. Prompt certainty, of course, would justify the Confederate government in adopting more expensive, effective, and permanent measures for the defence of this State, especially its desolated frontier, than could be expected before a finality. In connection with the defence of Texas, the appearance of uncertainty, as to its political position, would embarrass the pending arrangements for an alliance between the Confederacy, as one party, and the Choctaw, Chickasaw, Creek, and Cherokee nations, in concert, as the other party. Such hesitation, on the part of Texas, would tend to produce similar hesitation in Arizona and New Mexico, as to their connection with the Confederacy. Such procrastination would operate unfavorably on the neighboring government and people of Mexico, as to desirable negotiations and intercourse. Any appearance of doubt, that Texas was to be sustained by connection with the Confederacy would stimulate marauding and incendiary efforts, while it would be fuel for faction. During such suspense the postal arrangements for Texas would be embarrassed and retarded; and so as to the judiciary and the revenue. Delay would prostrate trade and commerce. A final connection of this State with the Confederacy, without delay, would give to it additional

strength, and promote early success in its negotiations as to peace with the old government—as to the procurement of money—as to recognition by other nations—and as to commercial relations. Moreover, the prompt and permanent connection of Texas with the Confederacy could not fail to have a favorable influence on the border States, as inducement for them to abandon their equivocal positions and connect themselves with their more Southern sisters and natural associations. A like influence would materially affect immigration from those States, conducing to the advantage of the immigrants and to the growth of this State. In view of such considerations, the Convention promptly and finally, on the twenty-third of March, ratified, accepted, and adopted the Constitution, by a vote of one hundred and twenty-eight affirmatives, to two negatives. A copy of this guaranty for our future liberty is annexed to this address, as a part of it, so that the public may have a connected view of the progress and result of the recent wonderful political enterprise of the people of this State.

The people will see that the Constitution of the Confederate States of America is copied almost entirely from the Constitution of the United States. The few changes made are admitted by all to be improvements. Let every man compare the new with the old and see for himself that we still cling to the old Constitution made by our fathers.

But, the Connection of Texas with the Confederacy involved a necessity for modifications of our State Constitution, so that it should be in conformity with our new relation, and another consequent necessity required, that the Legislature should have some extension of power to raise funds within bounds and on terms, that would be safe and beneficial for the State. Such modifications were made. The Convention realized, that other changes of the State Constitution were desirable; but, its amendments were confined to particulars, which were considered to be necessary parts of the great political change.

Many other interesting incidents might be stated; but they would cause this address to be tedious; and the foregoing outline may enable the people to take a connected and orderly view of the subsistance of proceedings, by which there has been accomplished a political reformation which has no parallel, considering the opposing circumstances and the triumphant successes. The people of Texas have asserted their sovereignty. They have dissolved their connection with a government whose administrative power had been augmented and directed so that it would procure their ruin. They have connected themselves with another

government whose foundations give the most hopeful assurance of permanent constitutional liberty. By two general elections and two meetings of the Convention, in a State of vast area, within seventy-eight days, the whole change of government has been completed. The popular demonstrations have overcome thousands of the regular army of the old government and an opposing minority of citizens, without bloodshed. Every citizen, if he will, may look with patriotic pride on the consummated reformation whose progress caused no vital interruption in public or private business, and whose result is an assurance of the best security and enjoyment which human government can afford. When permanently successful, such a remodeling of government, embracing our complicated system of reserved State Rights and delegated Confederate authority, may give a better, guaranty than all history, that our people at least, are capable of instituting and maintaining free government.

The Convention having finished its work in harmony with the Legislature, confides in that body and the present Executive and the Judiciary, to conduct the State government according to the will and interests of their constituents.

The Convention congratulates the people on the prompt and thorough accomplishment of their wishes. But some citizens are not satisfied: a large proportion of those who did not favor Secession, have subsequently acquiesced, and many of them have become identified with it by candid co-operation. But, in various parts of the State, there are some persons who continue pertinacious in their opposition. It is not the province of this address to comment on their conduct. Their rights as citizens, are not questioned; but their *duties* are equally unquestionable; and it is proper merely to state their position. Their platform denounces the Convention as an usurpation, and tolerates it only as a partial instrument of the Legislature in submitting the Ordinance for Secession to a popular election, and declares all its other acts to be without authority and void, notwithstanding 46,000 voters endorsed it. Their platform assumes the superiority of the ordinary government over the sovereignty of the people as represented by the Convention, and repudiates its acts with singular inconsistency, inasmuch as the Legislature itself in various modes, has recognized and approved the Convention, and co-operated with it, as a lawful representation of the people; even asking and obtaining from it, for the public good, a certain extension of Legislative power. Their platform claims a pretended right to use force against the Convention and its acts; but, for the present defers the exercise of such monstrous

power. Time must show whether it is to be asserted by violent action, under other circumstances. Their platform appeals to the people against the alledged usurpations, by encouraging re-action and disorganization, thereby encouraging discord and strife ; to which ends, among other means, it stimulates jealousies and hostilities among various classes of the community.

In any practical view of the great crisis, there are but two positions for citizens to take—either with the combined policy of separation from the old Union and connection with the Confederate States, or with the contrary. The former is an existing reality ; the latter is in opposition to the constituted authority and the public will of Texas. Minor considerations of form must yield to substance. The sovereign will of the people must be sustained. The Convention would fain hope for speedy and universal harmony in devoted patriotism.

The coming elections of this year, for both State and Confederate officers, will deserve peculiar attention by the people, so that they may have the best possible guarantees for accomplishing the great objects of our political reformation.

It has not been deemed necessary to speak particularly of the question of peace or war. The Convention acted with a view to either alternative.

The people will be gratified to know that the members of the Convention have acted with such mutual courtesy, that there has not been a single instance of personality in its deliberations.

Having finished its business about noon of the 25th March, the Convention, in an orderly manner, adjourned *sine die*. Its proceedings affecting military movements were necessarily secret for the moment, but the injunction of secrecy was removed almost immediately, and the world knows now every transaction. The Convention will be tried by its works, and it feels no apprehension of the free-men of Texas. Invoking the blessings of Heaven on whatever has been properly done by the Convention, its members, except the few who have been called to public stations in the Confederacy, return to their ordinary pursuits in society, to share, for weal or woe, what has been done, in common with their fellow-citizens.

For the Convention, by its committee,

PRYOR LEA, of Goliad,

JOHN HENRY BROWN, of Bell,

JOHN D. STELL, of Leon.

CONSTITUTION  
OF  
THE STATE OF TEXAS.

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PREAMBLE

We, the people of the State of Texas, acknowledging, with gratitude, the grace of God, in permitting us to make choice of our form of government, do ordain and establish this Constitution:

ARTICLE I.

BILL OF RIGHTS.

That the general, great and essential principles of Liberty and Free Government may be recognised and established, we declare, that—

[“SECTION 1. All political power is inherent in the people, and all free governments are founded on their authority, and institu-

NOTE.—The Convention having ordered the address of the committee, (Messrs. Lea, Brown and Stell,) together with the Constitution of the Confederate States of America, to be printed, under the supervision of the undersigned, after the adjournment of that body, the State Senate subsequently directed that the Ordinances of the Convention and the State Constitution, as amended, should be printed therewith, under the like supervision. I have, therefore, inserted in brackets, [“ ”] all the amendments at their appropriate places, and omitted, as obsolete those sections incidental merely to the transition of government in 1845–6.

JOHN HENRY BROWN,  
*Chairman Committee.*

AUSTIN, April 1st, 1861.

ted for their benefit ; and they have at all times the inalienable right to alter, reform or abolish their form of government, in such manner as they may think expedient ; and, therefore, no government or authority can exist or exercise power within the State of Texas, without the consent of the people thereof previously given ; nor after that consent be withdrawn."]

SEC. 2. All freemen, when they form a social compact, have equal rights ; and no man, or set of men, is entitled to exclusive separate public emoluments or privileges, but in consideration of public services.

SEC. 3. No religious test shall ever be required as a qualification to any office or public trust in this State.

SEC. 4. All men have a natural and indefeasible right to worship God according to the dictates of their own consciences : no man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent : no human authority ought, in any case whatever, to control or interfere with the rights of conscience in matters of religion ; and no preference shall ever be given by law to any religious societies or mode of worship. But it shall be the duty of the Legislature to pass such laws as may be necessary to protect every religious denomination in the peaceable enjoyment of their own mode of public worship.

SEC. 5. Every citizen shall be at liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of that privilege : and no law shall ever be passed curtailing the liberty of speech or of the press.

SEC. 6. In prosecutions for the publication of papers investigating the official conduct of officers, or men in a public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libel, the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

SEC. 7. The people shall be secure in their persons, houses, papers and possessions, from all unreasonable seizures or searches ; and no warrant to search any place, or to seize any person or thing, shall issue, without describing them as near as may be, nor without probable cause supported by oath or affirmation.

SEC. 8. In all criminal prosecutions, the accused shall have a speedy public trial, by an impartial jury : he shall not be compelled to give evidence against himself : he shall have the right of being heard by himself or counsel, or both ; shall be con-

fronted with the witnesses against him, shall be compulsory process for obtaining witnesses in his favor: and no person shall be held to answer for any crime or offense, it on indictment or information, except in cases arising in the land or naval forces, or offenses against the laws regulating the militia.

SEC. 9. All prisoners shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evident or the presumption great; but this provision shall be construed as to prohibit bail after indictment found, upon examination of the evidence by a Judge of the Supreme or District Court, upon the return of a writ of *habeas corpus*, returnable in the county where the offense is committed.

SEC. 10. The privilege of the writ of *habeas corpus* shall not be suspended, except when in case of rebellion or invasion the public safety may require it.

SEC. 11. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted. All courts shall be open, and every person, for injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law.

SEC. 12. No person, for the same offense, shall be twice put in jeopardy of life or limb; nor shall a person again be put upon trial for the same offense after a verdict of guilty; and the right of trial by jury shall remain inviolate.

SEC. 13. Every citizen shall have the right to keep and bear arms, in the lawful defense of himself or the state.

SEC. 14. No bill of attainder, *ex post facto* law, retroactive law, or any law impairing the obligation of contracts shall be made, and no person's property shall be taken or applied to public use, without adequate compensation being made, unless by the consent of such person.

SEC. 15. No person shall ever be imprisoned for debt.

SEC. 16. No citizen of this State shall be deprived of life, liberty, property, or privileges, outlawed, exiled, or in any manner disfranchised, except by due course of the law of the land.

SEC. 17. The military shall at all times be subordinate to the civil authority.

SEC. 18. Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed: nor shall the law of primogeniture or entailments ever be in force in this State.

SEC. 19. The citizens shall have the right, in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government, for

redress of grievances or other purposes, by petition, address, or remonstrance.

SEC. 20. Power of suspending laws in this State shall be exercised, by the Legislature, or its authority.

SEC. 21. Oard against transgressions of the high powers herein granted, we declare that everything in this "Bill of Rights" excepted out of the general powers of government, and so far as may be, remain inviolate, and all laws contrary thereto the following provisions, shall be void.

## ARTICLE II.

### DIVISION OF THE POWERS OF GOVERNMENT.

SECTION 1. The powers of the government of the State of Texas, shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy—to wit: those which are legislative to one, those which are Executive to another, and those which are Judicial to another; and no person, or collection of persons, being of one of those departments, shall exercise any power, properly attached to either of the others, except in the instances herein expressly permitted.

## ARTICLE III.

### LEGISLATIVE DEPARTMENT.

[“SECTION 1. That all persons who were citizens of the State of Texas on the second day of March, eighteen hundred and sixty-one; all persons born after that time, of parents, citizens of this State; all persons born in this State of parents residing in and entitled to acquire the rights of citizenship; all citizens of either of the confederate States of America, or of any State which may hereafter be admitted into union with the Confederate States of America, on terms of equality with them, immigrating to and permanently residing in this State; all persons naturalized in the Constitution and laws of the Confederate States of America and of this State, and permanently residing therein, (Indians not taxed, negroes and their descendants excepted,) shall be citizens of the State of Texas.”]

[“Sec. 2. All free male citizens of this State, as defined in the preceding section, over the age of twenty-one years, who shall have resided in this State one year next preceding an election, and the last six months in the district, county, city or town in

which they offer to vote, shall be deemed qualified electors ; and should any such qualified elector happen to be in any other county, situated in the district in which he resides at the time of an election, he shall be permitted to vote for any district officer; and qualified electors shall be permitted to vote anywhere in the State for State officers; provided, that no soldier, seaman or marine in the regular army or navy of the Confederate States of America, shall be entitled to vote at any election created by this Constitution."]

SEC. 3. Electors in all cases shall be privileged from arrest during their attendance at elections, and in going to and returning from the same, except in cases of treason, felony, or breach of the peace.

SEC. 4. The Legislative powers of this State shall be vested in two distinct branches ; the one to be styled the Senate, and the other the House of Representatives, and both together, the "Legislature of the State of Texas." The style of all laws shall be, "Be it enacted by the Legislature of the State of Texas."

SEC. 5. The members of the House of Representatives shall be chosen by the qualified electors, and their term of office shall be two years from the day of the general election ; and the sessions of the Legislature shall be biennial, at such times as shall be prescribed by law.

[ "SEC. 6. No person shall be a Representative unless he be a citizen of this State, and shall have been an inhabitant of this State two years next preceding his election, and the last year thereof a resident of the district, county, city or town for which he shall be chosen, and shall have attained the age of 21 years at the time of his election." ]

SEC. 7. All elections by the people shall be held at such time and places in the several counties, cities or towns, as are now, or may hereafter be designated by law.

SEC. 8. The Senators shall be chosen by the qualified electors for the term of four years ; and shall be divided by lot into two classes as nearly equal as can be. The seats of Senators of the first class shall be vacated at the expiration of the first two years ; and of the second class at the expiration of four years ; so that one-half thereof shall be chosen biennially thereafter.

SEC. 9. Such mode of classifying new additional Senators shall be observed, as will as nearly as possible preserve an equality of number in each class.

SEC. 10. When a Senatorial district shall be composed of

two or more counties, it shall not be separated by any county belonging to another district.

[“SEC. 11. No person shall be a Senator unless he be a citizen of this State, and shall have been an inhabitant of this State three years next preceeding the election, and the last year thereof of a resident of the district for which he shall be chosen, and have attained the age of thirty years.”]

SEC. 12. The House of Representatives, when assembled, shall elect a Speaker and its other officers, and the Senate shall choose a President for the time being, and its other officers. Each House shall judge of the qualifications and elections of its own members, but contested elections shall be determined in such manner as shall be directed by law: two-thirds of each House shall constitute a quorum to do busines, but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

SEC. 13. Each House may determine the rules of its own proceedings, punish members for disorderly conduct, and, with the consent of two-thirds, expel a member, but not a second time for the same offence.

SEC. 14. Each House shall keep a journal of its own proceedings, and publish the same; and the yeas and nays of the members of either House, on any question, shall, at the desire of any three members present, be entered on the journals.

SEC. 15. When vacancies happen in either House, the Governor, or the person exercising the power of the Governor, shall issue writs of election to fill such vacancies.

SEC. 16. Senators and Representatives shall, in all cases, except in treason, felony, or breach the of peace, be privileged from arrest during the session of the Legislature, and in going to and returning from the same, allowing one day for every twenty miles, such mamber may reside from the place at which the Legislature is convened.

SEC. 17. Each House, may punish by imprisonment during the session, any person not a member, for disrespectful or disorderly conduct, in its presence, or for obstructing any of its proceedings: providing, such imprisonment shall not at any one time exceed forty-eight hours.

SEC. 18. The doors of each House shall be kept open.

SEC. 19. Neither House shall, without the consent of the other, adjourn for more than three days; nor to any other place that in which they may be sitting without the concurrence than of both Houses.

SEC. 20. Bills may originate in either house, and be amended, altered, or rejected by the other ; but no bill shall have the force of a law until, on three several days it be read in each House, and free discussion be allowed thereon, unless in case of great emergency, four-fifths of the House in which the bill shall be pending, may deem it expedient to dispense w'th this rule ; and every bill having passed both Houses, shall be signed by the Speaker and President of their respective Houses.

SEC. 21. All bills for raising revenue shall originate in the House of Representatives, but the Senate may amend or reject them as other bills.

SEC. 22. After a bill or resolution has been rejected by either branch of the Legislature, no bill or resolution containing the same substance shall be passed into a law during the same session.

SEC. 23. Each member of the Legislature shall receive from the public Treasury a compensation for his services, which may be increased or diminished by law ; but no increase of compensation shall take effect during the session at which such increase shall be made.

SEC. 24. No Senator or Representative shall, during the term for which he may be elected, be eligible to any civil office of profit under this State, which shall have been created, or the emoluments of which may have been increased during such term ; and no member of either House of the Legislature shall, during the term for which he is elected, be eligible to any office or place, the appointment to which may be made in whole or in part, by either branch of the Legislature ; nor shall the members thereof be capable of voting for a member of their own body, for any office whatever, except it be in such cases as are herein provided. The President for the time being of the Senate, and speaker of the House of Representatives, shall be elected from their respective bodies.

[“SEC. 25. No Judge of any court of law or equity, Secretary of State, Attorney General, Clerk of any court of record, Sheriff or Collector, or any person holding a lucrative office under the Confederate States of America, or this State, or any foreign government, shall be eligible to the Legislature ; nor shall any person, at the same time, hold or exercise any two offices, agencies or appointments of trust or profit under this State; provided that offices of the militia, to which there is attached no annual salary, and the office of Justice of the Peace shall not be deemed lucrative.”]

SEC. 26. No person who at any time may have been a collec-

tor of taxes, or who may have been otherwise entrusted with public money, shall be eligible to the Legislature, or to any office of profit or trust under the State government, until he shall have obtained a discharge for the amount of such collections, and for all public moneys with which he may have been entrusted.

SEC. 27. Ministers of the Gospel, being by their profession dedicated to God and the care of souls, ought not to be diverted from the great duties of their functions; therefore, no Minister of the Gospel, or priest of any denomination whatever, shall be eligible to the Legislature.

SEC. 28. Elections for Senators and Representatives shall be general throughout the State, and shall be regulated by law.

SEC. 29. The Legislature shall, at their first meeting, and in the year one thousand eight hundred and forty-eight and fifty, and every eight years thereafter, cause an enumeration to be made of all the free inhabitants (Indians not taxed, Africans and descendants of Africans excepted) of the State, designating particularly the number of qualified electors; and the whole number of representatives shall, at the several periods of making such enumeration, be fixed by the Legislature, and apportioned among the several counties, cities or towns, according to the number of free population in each; and shall not be less than forty-five, nor more than ninety.

“[Sections 30 and 32, being obsolete, are omitted.]”

SEC. 31. The whole number of Senators shall, at the next session after the several periods of making the enumeration, be fixed by the Legislature, and apportioned among the several districts to be established by law, according to the number of qualified electors, and shall never be less than nineteen, nor more than thirty-three.

SEC. 32. The first session of the Legislature, after the adoption of this Constitution by the Congress of the United States, shall be held at the city of Austin, the present seat of government, and thereafter, until the year one thousand eight hundred and fifty; after which period the seat of government shall be permanently located by the people.

[This Constitution was never “adopted” by the United States Congress; but Congress passed an act admitting Texas into the Union, on the 29th December, 1845.]

SEC. 34. The members of the Legislature shall, at their first session, receive from the Treasury of the State, as their compensation, three dollars for each day they shall be in attendance, on, and three dollars for every twenty-five miles traveling to and from the place of convening the Legislature.

SEC. 35. In order to settle permanently the seat of government, an election shall be holden throughout the State, at the usual places of holding elections, on the first Monday in March, one thousand eight hundred and fifty, which shall be conducted according to law, at which time the people shall vote for such place as they may see proper for the seat of government. The returns of said election to be transmitted to the Governor by the first Monday in June; if either place voted for shall have a majority of the whole number of votes cast, then the same shall be the permanent seat of government until the year one thousand eight hundred and seventy, unless the State shall sooner be divided. But in case neither place voted for shall have the majority of the whole number of votes given in, then the Governor shall issue his proclamation for an election to be holden in the same manner, on the first Monday in October, one thousand eight hundred and fifty, between the two places having the highest number of votes at the first election. The election shall be conducted in the same manner as at the first, and the returns made to the Governor, and the place having the highest number of votes shall be the seat of Government for the time herein before provided.

## ARTICLE IV.

### JUDICIAL DEPARTMENT.

SECTION 1. The Judicial power of this State shall be vested in one Supreme Court, in District Courts, and in such inferior courts as the Legislature may from time to time ordain and establish; and such jurisdiction may be vested in corporation courts as may be deemed necessary, and be directed by law.

SEC. 2. The Supreme Court shall consist of a Chief Justice and two Associates, any two of whom shall form a quorum.

SEC. 3. The Supreme Court shall have appellate jurisdiction only, which shall be co-extensive with the limits of the State; but in criminal cases, and in appeals from interlocutory judgments, with such exceptions and under such regulations as the Legislature shall make. And the Supreme Court and Judges thereof shall have power to issue the writ of *habeas corpus*, and under such regulations as may be prescribed by law, may issue writs of *mandamus*, and such other writs as shall be necessary to enforce its own jurisdiction, and also compel a Judge of the District Court to proceed to trial and judgment in a cause. And the Supreme Court shall hold its sessions once every year,

between the months of October and June inclusive, at not more than three places in the State.

SEC. 4. The Supreme Court shall appoint its own clerks, who shall hold their offices for four years, and be subject to removal by the said court for neglect of duty, misdemeanor in office, and such other causes as may be prescribed by law.

SEC. 5. The Governor shall nominate, and by and with the advice and consent of two-thirds of the Senate, shall appoint the Judges of the Supreme and District Courts, and they shall hold their offices for six years.

[The two following amendments were made to the Constitution on the 16th January, 1850 :

SEC. 1. The Judges of the Supreme Court, Judges of the District Courts, Attorney General, District Attorneys, Comptroller of Public Accounts, Treasurer of the State, and the Commissioner of the General Land Office, shall, at the expiration of their respective terms of office, or in case a vacancy may occur in either of them, by death, resignation, or otherwise, after this amendment takes effect, and thereafter, be elected by the qualified electors of the State, in the manner prescribed by law.

SEC. 2. That the election for District Judges and District Attorneys shall be confined to their respective districts.]

SEC. 6. The State shall be divided into convenient judicial districts. For each district, there shall be elected a Judge who shall reside in the same, and hold the courts at one place in each county, and at least twice in each year, in such manner as may be prescribed by law.

SEC. 7. The Judges of the Supreme Court shall receive a salary not less than two thousand dollars annually, and the Judges of the District Court a salary not less than seventeen hundred and fifty dollars annually ; and the salaries of the Judges shall not be increased or diminished during their continuance in office.

[By a law of 1856, the Supreme Judges receive \$3,000, and the District Judges \$2,250 annually.]

SEC. 8. The Judges of the Supreme and District Courts, shall be removed by the Governor, on the address of two-thirds of each House of the Legislature, for wilful neglect of duty or other reasonable cause which shall not be sufficient ground for impeachment ; provided however, that the cause or causes for which such removal shall be required, shall be stated at length in such address, and entered on the journals of each House ; and provided further, that the cause or causes, shall be notified to the

Judge so intended to be removed ; and he shall be admitted to a hearing in his own defence before any vote for such address shall pass : And in all such cases, the vote shall be taken by yeas and nays and entered on the journals of each House respectively.

SEC. 9. All Judges of the Supreme and District Courts, shall by virtue of their offices be conservators of the peace throughout the State. The style of all writs and process shall be "The State of Texas." All prosecutions shall be carried on in the name and by the authority of the "State of Texas," and conclude, "against the peace and dignity of the State."

SEC. 10. The District Court shall have original jurisdiction of all criminal cases ; of all suits in behalf of the State to recover penalties, forfeitures, and escheats, and of all cases of divorce; and of all suits, complaints, and pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at, or amount to one hundred dollars, exclusive of interest ; and the said courts, or the Judges thereof, shall have power to issue all writs, necessary to enforce their own jurisdiction and to give them a general superintendence and control over inferior jurisdictions. And in the trial of all criminal cases, the jury trying the same shall find and assess the amount of punishment to be inflicted, or fine imposed ; except in capital cases, and where the punishment or fine imposed, shall be specifically imposed by law.

SEC. 11. There shall be a Clerk of the District Court for each county, who shall be elected by the qualified voters for members of the Legislature, and who shall hold his office for four years, subject to removal by information, or by presentment of a grand jury and conviction by a petit jury. In case of vacancy, the Judge of the district shall have the power to appoint a Clerk, until a regular election can be held.

SEC. 12. The Governor shall nominate, and by and with the advice and consent of two-thirds of the Senate, appoint an Attorney-General, who shall hold his office for two years, and there shall be elected by joint vote of both Houses of the Legislature, a District Attorney for each district, who shall hold his office for two years ; and the duties, salaries and perquisites of the Attorney General and District Attorneys shall be prescribed by law.

[ "By the amendment made to the Constitution in 1850, the Attorney General and District Attorneys are elected by the people." ]

SEC. 13. There shall be appointed for each county a convenient number of Justices of the Peace, one Sheriff, one

Coroner, and a sufficient number of Constables, who shall hold their offices for two years, to be elected by the qualified voters of the district or county, as the Legislature may direct. Justices of the Peace, Sheriffs and Coroners, shall be commissioned by the Governor. The Sheriff shall not be eligible more than four years in every six.

SEC. 4. No Judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him by affinity or consanguinity, within such degrees as may be prescribed by law, or where he shall have been of counsel in the cause. When the Supreme Court or any two of its members shall be thus disqualified to hear and determine any cause or causes in said court, or when no judgment can be rendered in any case or cases in said court, by reason of the equal division of opinion of said Judges, the same shall be certified to the Governor of the State, who shall immediately commission the requisite number of persons learned in the law for the trial and determination of said case or cases. When the Judges of the District Court are thus disqualified, the parties may, by consent, appoint a proper person to try the said case ; and the Judges of the said courts may exchange districts, or hold courts for each other, when they may deem it expedient, and shall do so when directed by law. The disqualification of Judges of inferior tribunals, shall be remedied as may hereafter be by law prescribed.

SEC. 15. Inferior tribunals shall be established in each county for appointing guardians, granting letters testamentary and of administration ; for settling the accounts of executors, administrators, and guardians, and for the transaction of business appertaining to estates ; and the District Courts shall have original and appellate jurisdiction, and general control over the said inferior tribunals, and original jurisdiction and control over executors, administrators, guardians, and minors, under such regulations as may be prescribed by law.

SEC. 16. In the trial of all causes in equity in the District Court, the plaintiff or defendant, shall, upon application made in open court, have the right of trial by jury, to be governed by the rules and regulations prescribed in trials at law.

SEC. 17. Justices of the Peace shall have such civil and criminal jurisdiction as shall be provided by law.

SEC. 18. In all causes arising out of a contract, before any inferior judicial tribunal, when the amount in controversy shall exceed ten dollars, the plaintiff or defendant shall, upon application to the presiding officer, have the right of trial by jury.

SEC. 19. In all cases where Justices of the Peace, or other judicial officers of inferior tribunals, shall have jurisdiction in the trial of causes, where the penalty for the violation of a law is fine or imprisonment (except in cases of contempt) the accused shall have the right of trial by jury.

## ARTICLE V.

### EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive power of this State shall be vested in the Chief Magistrate, who shall be styled the Governor of the State of Texas.

SEC. 2. The Governor shall be elected by the qualified electors of the State, at the time and places of elections for members of the Legislature.

SEC. 3. The returns of every election for Governor, until otherwise provided by law, shall be made out, sealed up, and transmitted to the Seat of Government, and directed to the Speaker of the House of Representatives, who shall, during the first week of the session of the Legislature thereafter, open and publish them in the presence of both Houses of the Legislature; the person having the highest number of votes, and being constitutionally eligible, shall be declared by the Speaker, under the direction of the Legislature, to be Governor; but if two or more persons shall have the highest and an equal number of votes, one of them shall be immediately chosen Governor by joint vote of both Houses of the Legislature. Contested elections for Governor shall be determined by both Houses of the Legislature.

[“SEC. 4. The Governor shall hold his office for the term of two years from the regular time of installation, and until his successor shall be duly qualified; but shall not be eligible for more than four years in any term of six years; he shall be at least thirty years of age, shall be a citizen of the State of Texas, and shall have resided in the same three years immediately preceding his election.”]

SEC. 5. He shall, at stated times, receive a compensation for his services, which shall not be increased or diminished, during the term for which he shall have been elected. The first Governor shall receive an annual salary of two thousand dollars and no more.

[By a law of 1855, the salary of the Governor is fixed at \$3,000 per annum.]

[“SEC. 6. The Governor shall be Commander-in-Chief of the

Army and Navy of this State, and of the Militia, except when they shall be called into the service of the Confederate States of America.”]

SEC. 7. He may require information in writing from the officers of the Executive Department, on any subject relating to the duties of their respective offices.

SEC. 8. He may by proclamation on extraordinary occasions convene the Legislature at the Seat of Government, or at a different place, if that should be in the actual possession of a public enemy. In case of disagreement between the two Houses, with respect to adjournment, he may adjourn them to such time as he shall think proper, not beyond the day of the next regular meeting of the Legislature.

SEC. 9. He shall from time to time give to the Legislature information, in writing, of the state of the Government, and recommend to their consideration such measures as he may deem expedient.

SEC. 10. He shall take care that the laws be faithfully executed.

SEC. 11. In all criminal cases, except in those of treason and impeachment, he shall have power, after conviction, to grant reprieves and pardons; and, under such rules as the Legislature may prescribe, he shall have power to remit fines and forfeitures. In cases of treason, he shall have power, by and with the advice and consent of the Senate, to grant reprieves and pardons, and he may, in the recess of the Senate, respite the sentence, until the end of the next session of the Legislature.

[“ SEC. 12. There shall also be a Lieutenant-Governor, who shall be chosen at every election for Governor, by the same persons and in the same manner, and who shall continue in office for the same time, and possess the same qualifications. In voting for Governor and Lieutenant-Governor, the electors shall distinguish for whom they vote as Governor, and for whom as Lieutenant-Governor. The Lieutenant-Governor shall, by virtue of his office, be President of the Senate, and have, when in committee of the whole, a right to debate and vote on all questions, and when the Senate is equally divided, to give the casting vote. In case of the death, resignation, removal from office, inability or refusal of the Governor to serve, or of his impeachment or absence from the State, the Lieutenant-Governor shall exercise the powers and authority appertaining to the office of Governor, and shall be styled Governor of the State of Texas, until another be chosen at the periodical election, and be duly qualified; or until the Governor impeached, absent or disabled, shall be acquitted, return, or his disability be removed. The Governor and Lieu-

tenant-Governor shall hereafter be installed into office on the first Thursday after the first Monday of November, A. D. 1861, and on the same day every two years thereafter."]

SEC. 13. Whenever the government shall be administered by the Lieutenant-Governor, or he shall be unable to attend as President of the Senate, the Senate shall elect one of their own members as President for the time being. And if, during the vacancy of the office of Governor, the Lieutenant-Governor shall die, resign, refuse to serve, or be removed from office, or be unable to serve, or if he shall be impeached, or absent from the State, the President of the Senate for the time being, shall in like manner administer the government until he shall be superseded by a Governor or Lieutenant-Governor. The Lieutenant-Governor shall, whilst he acts as President of the Senate, receive for his services the same compensation which shall be allowed to the Speaker of the House of Representatives; and no more, and during the time he administers the government as Governor, shall receive the same compensation which the Governor would have received had he been employed in the duties of his office, and no more. The President for the time being of the Senate shall, during the time he administers the government, receive in like manner the same compensation which the Governor would have received, had he been employed in the duties of his office. If the Lieutenant-Governor shall be required to administer the government, and shall, whilst in such administration die, resign, or be absent from the State, during the recess of the Legislature, it shall be the duty of the Secretary of State, to convene the Senate for the purpose of choosing a President for the time being.

SEC. 14. There shall be a seal of the State, which shall be kept by the Governor and used by him officially. The said seal shall be a star of five points, encircled by an olive and live oak branches, and the words "The State of Texas."

SEC. 15. All commissions shall be in the name and by the authority of the State of Texas, be sealed with the State Seal, signed by the Governor and attested by the Secretary of State.

SEC. 16. There shall be a Secretary of State, who shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall continue in office during the term of service of the Governor elect. He shall keep a fair register of all official acts and proceedings of the Governor, and shall, when required, lay the same and all papers, minutes and vouchers, relative thereto, before the Legislature, or either House thereof, and shall perform such other duties as may be required of him by law.

SEC. 17. Every bill which shall have passed both Houses of the Legislature shall be presented to the Governor ; if he approve, he shall sign it ; but if not, he shall return it with his objections to the House in which it shall have originated who shall enter the objections at large upon the journals and proceed to reconsider it ; if, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent, with the objections, to the other House, by which it shall likewise be re-considered ; if approved by two-thirds of the members present, of that House, it shall become a law : but in such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for or against the bill, shall be entered on the journals of each House respectively. If any bill shall not be returned by the Governor within five days, Sundays excepted, after it shall have been presented to him, the same shall be a law in like manner, as if he had signed it. Every bill presented to the Governor one day previous to the adjournment of the Legislature, and not returned to the House in which it originated before its adjournment, shall become a law, and have the same force and effect as if signed by the Governor.

SEC. 18. Every order, resolution or vote, to which the concurrence of both Houses of the Legislature may be necessary, except on questions of adjournment, shall be presented to the Governor, and before it shall take effect, be approved by him ; or, being disapproved, shall be re-passed by both Houses, according to the rules and limitations prescribed in the case of a bill.

SEC. 19. The Governor, by and with the advice and consent of two-thirds of the Senate, shall appoint a convenient number of Notaries Public, not exceeding six for each county, who in addition to such duties as are prescribed by law, shall discharge such other duties as the Legislature may from time to time prescribe.

SEC. 20. Nominations to fill vacancies that may have occurred during the recess, shall be made to the Senate during the first ten days of its session. And should any nomination so made be rejected, the same individual shall not again be nominated during the session to fill the same office. And should the Governor fail to make nominations to fill any vacancy during the session of the Senate, such vacancy shall not be filled by the Governor until the next meeting of the Senate.

SEC. 21. The Governor shall reside during the session of the Legislature, at the place where the sessions may be held, and at all other times whenever, in their opinion, the public good may require.

SEC. 22. No person holding the office of Governor, shall hold any other office or commission, civil or military.

SEC. 23. A State Treasurer and Comptroller of public accounts shall be biennially elected, by the joint ballot of both Houses of the Legislature, and in case of vacancy in either of said offices, during the recess of the Legislature, such vacancy shall be filled by the Governor, which appointment shall continue until the close of the next session of the Legislature thereafter.

[By the amendment made to the Constitution in 1850, the State Treasurer and Comptroller are elected by the people.]

## ARTICLE VI.

### MILITIA.

["SEC. 1. The Legislature shall provide by law for organizing and disciplining the Militia of this State, in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the "Confederate States of America," in relation thereto."]

SEC. 2. Any person who conscientiously scruples to bear arms shall not be compelled to do so, but shall pay an equivalent for personal service.

SEC. 3. No licensed Minister of the Gospel shall be required to perform military duty, work on roads, or serve on juries in this State.

SEC. 4. The Governor shall have power to call forth the Militia to execute the laws of the State, to suppress insurrections and to repel invasions.

## ARTICLE VII.

### GENERAL PROVISIONS.

["SECTION 1. Members of the Legislature, and all officers of the State of Texas, before they enter upon the duties of their offices, shall take the following oath or affirmation :

I, (A. B) do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent on me as \_\_\_\_\_, according to the best of my skill and ability, agreeably to the Constitution and laws of the State of Texas, and also to the Constitution and laws of the Confederate States of America, so long as the State of Texas shall remain a member of that Confederacy. And I do further solemnly swear (or affirm) that since the second day of March, A.

D., 1861, I, being a citizen of this State, have not fought a duel with deadly weapons, within this State nor out of it; nor have I sent or accepted a challenge to fight a duel with deadly weapons; nor have I acted as second in carrying a challenge; or aided, advised or assisted any person thus offending—so help me God.”]

SEC. 2. Treason against this State shall consist only in levying war against it, or in adhering to its enemies—giving them aid and comfort; and no person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

SEC. 3. Every person shall be disqualified from holding any office of trust or profit in this State, who shall have been convicted of having given or offered a bribe to procure his election or appointment.

SEC. 4. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

{“SEC 5. Any citizen of this State, who shall, after the 2d day of March, A. D. 1861, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within the State or out of it; or who shall act as second, or knowingly aid and assist, in any manner, those thus offending, shall be deprived of holding any office of trust or profit under this State.”]

SEC. 6. In all elections by the people, the vote shall be by ballot until the Legislature shall otherwise direct; and in all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given *viva voce*, except in the election of their officers.

SEC. 7. The Legislature shall provide by law for the compensation of all officers, servants, agents and public contractors, not provided for by this Constitution, and shall not grant extra compensation to any officer, agent, servant, or public contractor, after such public service shall have been performed, or contract entered into for the performance of the same; nor grant, by appropriation or otherwise, any amount of money out of the Treasury of the State, to any individual on a claim, real or pretended, where the same shall not have been provided for by pre-existing law: Provided, that nothing in this section shall be so construed as to affect the claims of persons against the Republic of Texas, heretofore existing.

SEC. 8. No money shall be drawn from the Treasury but in pursuance of specific appropriations made by law; nor shall any appropriation of money be made for a longer term than two years, except for purposes of education; and no appropriation for private or individual purposes, or for purposes of internal improvement, shall be made, without the concurrence of two-thirds of both Houses of the Legislature. A regular statement and account of the receipts and expenditures of all public money shall be published annually in such manner as shall be prescribed by law. And in no case shall the Legislature have the power to issue "Treasury Warrants," "Treasury Notes," or paper of any description intended to circulate as money.

SEC. 9. All civil officers shall reside within the State; and all district or county officers, within their districts or counties; and shall keep their offices at such places therein, as may be required by law.

SEC. 10. The duration of all offices not fixed by this Constitution, shall never exceed four years.

[SEC. 11. Absence on the business of this State, or the "Confederate States of America," shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office, under the exceptions contained in this Constitution.]

SEC. 12. The Legislature shall have power to provide for deductions from the salaries of public officers, who may neglect the performance of any duty that may be assigned them by law.

[SEC. 13. No member of Congress, or person holding or exercising any office of profit or trust under the "Confederate States of America," or either of them, or under any foreign power, shall be eligible as a member of the Legislature, or hold or exercise any office of profit or trust under this State.]

SEC. 14. The Legislature shall provide for a change of venue in civil and criminal cases; and for the erection of a Penitentiary at as early a day as practicable.

SEC. 15. It shall be the duty of the Legislature to pass such laws as may be necessary [and proper, to decide differences by arbitration, when the parties shall elect that method of trial.

[SEC. 16. Within three years after the 2d day of March, A. D., 1861, the laws, civil and criminal, shall be revised, digested, arranged and published, in such manner as the Legislature shall direct; and a like revision, digest and publication shall be made every ten years thereafter.]

SEC. 17. No lottery shall be authorized by this State: and the buying or selling of lottery tickets within this State is prohibited.

SEC. 18. No divorce shall be granted by the Legislature.

SEC. 19. All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterwards by gift, devise, or descent, shall be her separate property; and laws shall be passed more clearly defining the rights of the wife, in relation as well to her separate property, as that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property.

SEC. 20. The rights of property and of action which have been acquired under the Constitution and laws of the Republic of Texas shall not be divested; nor shall any rights or actions, which have been divested, barred, or declared null and void, by the Constitution and laws of the Republic of Texas, be re-invested, revived or reinstated by this Constitution; but the same shall remain precisely in the situation which they were before the adoption of this Constitution.

SEC. 21. All claims, locations, surveys, grants and titles to land, which are declared null and void by the Constitution of the Republic of Texas, are, and the same shall remain, forever null and void.

SEC. 22. The Legislature shall have power to protect by law from forced sale a certain portion of the property of all heads of families. The homestead of a family, not to exceed two hundred acres of land, (not included in a town or city;) or any town or city lot or lots, in value not to exceed two thousand dollars, shall not be subject to forced sale, for any debts hereafter contracted; nor shall the owner, if a married man, be at liberty to alienate the same, unless by the consent of the wife, in such manner as the Legislature may hereafter point out.

SEC. 23. The Legislature shall provide in what cases officers shall continue to perform the duties of their offices, until their successors shall be duly qualified.

SEC. 24. Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title.

SEC. 25. No law shall be revised or amended by reference to its title; but in such case the act revised, or section amended, shall be re-enacted and published at length.

SEC. 26. No person shall hold or exercise, at the same time, more than one civil office of emolument, except that of Justice of the Peace.

SEC. 27. Taxation shall be equal and uniform throughout the State. All property in this State shall be taxed in proportion to its value, to be ascertained as directed by law, except such property as two-thirds of both Houses of the Legislature

may think proper to exempt from taxation. The Legislature shall have power to lay an income tax, and to tax all persons pursuing any occupation, trade or profession: Provided, that the term occupation, shall not be construed to apply to pursuits either agricultural or mechanical.

SEC. 28. The Legislature shall have power to provide by law for exempting from taxation two hundred and fifty dollars' worth of the household furniture, or other property, belonging to each family in this State.

SEC. 29. The Assessor and Collector of taxes, shall be appointed in such manner, and under such regulations, as the Legislature may direct.

SEC. 30. No corporate body shall hereafter be created, renewed, or extended, with banking or discounting privileges.

SEC. 31. No private corporation shall be created, unless the bill creating it shall be passed by two-thirds of both Houses of the Legislature; and two-thirds of the Legislature shall have power to revoke and repeal all private corporations, by making compensation for the franchise. And the State shall not be part owner of the stock, or property, belonging to any corporation.

SEC. 32. The Legislature shall prohibit by law individuals from issuing bills, checks, promissory notes, or other paper, to circulate as money.

[“SEC. 33. The aggregate amount of debts hereafter contracted by the Legislature shall not exceed the sum of five hundred thousand dollars, (\$500,000) (except in case of war, to repel invasion or suppress insurrection,) unless under the following restrictions: that whenever a debt shall be contracted exceeding that amount, the law authorizing the same shall impose and provide for the collection of a direct annual tax, sufficient to pay the interest on such debt, as it falls due, and also to pay and discharge the principal of such debt within eighteen years from the time of the contracting thereof. On the final passage of such law, in either House of the Legislature, the question shall be taken by yeas and nays, and be duly entered on the journals thereof. If no debt shall have been contracted in pursuance of such law, the Legislature may repeal the same; or if a portion of the debt authorized shall have been contracted, the Legislature may, at any time, by law, forbid the contracting of any further debt or liability under such law; but the tax imposed by such act, in proportion to the debt and liability, which may have been contracted in pursuance of such law, shall remain in force and be irrepealable, and be annually collected until the

proceeds thereof shall have made full provision to pay and discharge the interest and principal of such debt and liability. The money arising from any loan or stock creating such debt or liability, shall be applied to the object or objects specified in the act authorizing such debt or liability, or to the re-payment of the same, and for no other purpose whatever. No part of the specific tax authorized by this section shall be appropriated or set apart for any other purpose whatever, but exclusively to the payment of the interest and principal of such debt."]

SEC. 34. The Legislature shall, at the first session thereof, and may, at any subsequent session, establish new counties for the convenience of the inhabitants of such new county or counties. Provided, that no new county shall be established, which shall reduce the county or counties, or either of them, from which it shall be taken, to a less area than nine hundred square miles, (except the county of Bowie,) unless by consent of two-thirds of the Legislature, nor shall any county be laid off of less contents. Every new county, as to the right of suffrage and representation, shall be considered as part of the county or counties from which it was taken, until entitled by numbers to the right of separate representation.

SEC. 35. No soldier shall, in time of peace, be quartered in the house or within the enclosure of any individual without the consent of the owner, nor in time of war, but in a manner prescribed by law.

SEC. 36. The salaries of the Governor, and Judges of the Supreme and District Courts, are hereby fixed at the minimum established in the Constitution, and shall not be increased for ten years.

[SEC. 37. The Legislature, by a vote of two-thirds of all the members of each House, shall have the power to call a Convention of the people for the purpose of altering, reforming, or amending the Constitution. The Legislature, at any regular biennial session, by a vote of two-thirds of each House, may propose amendments to the Constitution, which proposed amendments shall be duly published in the public prints of the State, at least three months before the next general election thereafter for Representatives to the Legislature, for the consideration of the people, and it shall be the duty of the several returning officers at said general election, to open a poll for, and make a return to the Secretary of State of, the number of votes cast at said election, for and against said amendment; and if more than one be proposed, then the number of votes cast for and against each of them, and if it shall appear from said return

that a majority of the votes cast upon said proposed amendment or amendments have been cast in favor of the same, and two-thirds of each branch of the Legislature, at the next regular session thereafter, shall ratify said proposed amendment or amendments, so voted upon by the people, the same shall be valid to all intents and purposes, as parts of the Constitution of the State of Texas; provided, that the said proposed amendments shall, at each of said sessions, have been read on three several days in each House of the Legislature, and the vote thereon shall have been taken by yeas and nays. And provided, further, that the rule in the above proviso shall never be suspended by either of said Houses.”]

## ARTICLE VIII.

### SLAVES.

[“SEC. 1. The Legislature shall have no power to pass laws for the emancipation of slaves.”]

[“SEC. 2. No citizen, or other person residing in this State, shall have power by deed, or will, to take effect in this State, or out of it, in any manner whatsoever, directly or indirectly, to emancipate his slave or slaves.”]

[“SEC. 3. The Legislature shall have no power to pass any law to prevent immigrants to this State, from bringing with them such persons of the negro race as are deemed slaves by the laws of any of the Confederate States of America; provided, that slaves who have committed any felony may be excluded from this State.”]

[“SEC. 4. In the prosecution of slaves for crimes of a higher grade than petit larceny, the Legislature shall have no power to deprive them of a trial by jury, except in cases arising under the laws concerning insurrection of slaves.”]

[“SEC. 5. Any person who shall maliciously dismember, or deprive a slave of life, shall suffer such punishment as would be inflicted in case the like offence had been committed upon a free white person, and on the like proof; except when such slave has committed, or attempted to commit, a rape on a white female, or in case of insurrection of such slave.”]

[“SEC. 6. The Legislature shall have power to pass laws which will oblige the owners of slaves to treat them with humanity.”]

## ARTICLE IX.

## IMPEACHMENT.

SECTION 1. The power of impeachment shall be vested in the House of Representatives.

SEC. 2. Impeachment of the Governor, Lieutenant-Governor, Attorney-General, Secretary of State, Treasurer, Comptroller, and of the Judges of the District Courts, shall be tried by the Senate.

SEC. 3. Impeachments of Judges of the Supreme Court shall be tried by the Senate. When sitting as a court of impeachment, the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the Senators present.

SEC. 4. Judgment, in cases of impeachment, shall extend only to removal from office, and disqualification from holding any office of honor, trust, or profit, under this State; but the parties convicted shall, nevertheless, be subject to indictment, trial and punishment, according to law.

SEC. 5. All officers against whom articles of impeachment may be preferred, shall be suspended from the exercise of the duties of their office, during the pendency of such impeachment. The appointing power may make a provisional appointment to fill the vacancy occasioned by the suspension of an officer, until the decision on the impeachment.

SEC. 6. The Legislature shall provide for the trial, punishment, and removal from office, of all other officers of the State, by indictment or otherwise.

## ARTICLE X.

## EDUCATION.

SECTION 1. A general diffusion of knowledge being essential to the preservation of the rights and liberties of the people, it shall be the duty of the Legislature of this State to make suitable provisions for the support and maintenance of public schools.

SEC. 2. The Legislature shall, as early as practicable, establish free schools throughout the State, and shall furnish means for their support, by taxation on property: And it shall be the duty of the Legislature to set apart not less than one-tenth of the annual revenue of the State derivable from taxation, as a

perpetual fund, which fund shall be appropriated to the support of free public schools, and no law shall ever be made diverting said fund to any other use; and until such time as the Legislature shall provide for the establishment of such schools in the several Districts of the State, the fund thus created shall remain as a charge against the State, passed to the credit of the free common school fund.

SEC. 3. All public lands which have been heretofore, or which may hereafter be granted for public schools, to the various counties, or other political divisions in this State, shall not be alienated in fee, nor disposed of otherwise than by lease for a term not exceeding twenty years, in such manner as the Legislature may direct.

SEC. 4. The several counties in this State which have not received their quantum of lands for the purposes of education, shall be entitled to the same quantity heretofore appropriated by the Congress of the Republic of Texas to other counties.

## ARTICLE XI.

SECTION 1. All certificates for head-right claims to land, issued to fictitious persons, or which were forged, and all locations and surveys thereon, are, and the same were, null and void from the beginning.

SEC. 2. The District Courts shall be opened until the first day of July, one thousand eight hundred and forty-seven, for the establishment of certificates for head-rights, not recommended by the Commissioners appointed under the act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants; and the parties suing shall produce the like proof, and be subjected to the requisitions which were necessary, and were prescribed by law to sustain the original application for the said certificates, and all certificates above referred to, not established or sued upon before the period limited, shall be barred, and the said certificates; and all locations and surveys thereon, shall be forever null and void; and all re-locations made on such surveys shall not be disturbed until the certificates are established as above directed.

## ARTICLE XII.

### LAND-OFFICE.

SECTION 1. There shall be one general Land-Office in the

State, which shall be at the seat of government, where all titles which have heretofore emanated, or may hereafter emanate from Government, shall be registered; and the Legislature may establish, from time to time, such subordinate offices as they may deem requisite.

## ARTICLE XIII.

### SCHEDULE.

SECTION 1. That no inconvenience may arise from a change of separate national Government to a State Government, it is declared, that all process which shall be issued in the name of the Republic of Texas, prior to the organization of the State Government under this Constitution, shall be as valid as if issued in the name of the State of Texas.

SEC. 2. The validity of all bonds and recognizances, executed in conformity with the Constitution and laws of the Republic of Texas, shall not be impaired by the change of government, but may be sued for and recovered, in the name of the Governor of the State of Texas; and all criminal prosecutions, or penal actions, which shall have arisen, prior to the organization of the State government under this Constitution, in any of the Courts of the Republic of Texas, shall be prosecuted to judgment and execution in the name of said State. All suits at law and equity which may be depending in any of the Courts of the Republic of Texas, prior to the organization of the State government under this Constitution, shall be transferred to the proper court of the State, which shall have jurisdiction of the subject-matter thereof.

[SEC. 3. All laws and parts of laws now in force in the State of Texas, which are not repugnant to the Constitution of the Confederate States of America, or the Constitution of this State, shall continue and remain in force as the laws of this State, until they expire by their own limitation, or shall be altered or repealed by the Legislature.]

SEC. 4. All fines, penalties, forfeitures and escheats, which have accrued to the Republic of Texas under the Constitution and laws, shall accrue to the State of Texas; and the Legislature shall, by law, provide a method for determining what lands may have been forfeited or escheated.

[Sections 5, 6, 7, 8 and 11, relate entirely to the change from the "Republic" to the "State" of Texas, in 1845-6, and being now obsolete, are omitted.]

SEC. 9. It shall be the duty of the President of Texas, immediately after the inauguration of the Governor, to deliver to him all records, public money, documents, archives and public property, of every description whatsoever, under the control of the executive branch of the government; and the Governor shall dispose of the same in such manner as the Legislature may direct.

SEC. 10. That no inconvenience may result from the change of government, it is declared that the laws of this Republic relative to the duties of officers, both civil and military, of the same, shall remain in full force, and the duties of their several offices shall be performed in conformity with the existing laws, until the organization of the government of the State, under this Constitution, or until the first day of the meeting of the Legislature: That then the offices of President, Vice-President, of the President's Cabinet, Foreign Ministers, Charges and agents and others, repugnant to this Constitution, shall be superseded by the same; and that all others shall be holden and exercised until they expire by their own limitation, or be superseded by the authority of this Constitution, or laws made in pursuance thereof.

SEC. 12. The first general election for Governor, Lieutenant-Governor, and members of the Legislature, after the organization of the government, shall take place on the first Monday in November, one thousand eight hundred and forty-seven, and shall be held biennially thereafter, on the first Monday in November, until otherwise provided by the Legislature. And the Governor and Lieutenant-Governor, elected in December next, shall hold their offices until the installation in office of the Governor and Lieutenant-Governor to be elected in the year one thousand eight hundred and forty-seven.

[Section 13 is repealed by the secession of Texas.]

Done in Convention, by the Deputies of the people of Texas, at the City of Austin, this twenty-seventh day of August, in the year of our Lord one thousand eight hundred and forty-five.

In testimony whereof, we have hereunto subscribed our names,

THO. J. RUSK, President.

JAMES H. RAYMOND, Secretary.

## SPECIAL RESOLUTIONS.

1. *Resolved*, As the sense of this Convention, that the people of Texas fully appreciate the patriotism of those officers of the United States army, whether stationed in or citizens of this State, who have resigned their commissions and cast their fortunes with the Confederate States ; and that their appointment to positions of equal or higher grade, in the Confederate States army, would meet with the cordial approval of this State.

2. *Resolved*, That we cherish feelings of approval and pride towards the cadets of West Point, from this State, who have resigned and returned home to serve their State ; and respectfully recommend their appointment to appropriate positions in the army of the Confederate States.

*Resolved*, That this Convention has heard with profound satisfaction of the election of Jefferson Davis, of Mississippi, and Alexander H. Stephens, of Georgia, to the offices of President and Vice-President of the Provisional Government of the Confederate States of America ; and that in their well-known ability, experience, and patriotism, the country possesses ample guaranties that the high and important functions confided to them, will be so administered in these times of peril as to redound to the safety, security, and best interests of the people.

*Resolved*, That a committee of three be appointed by the President of this Convention, to prepare a brief exposition of its proceedings, with reasons therefor, as an Address to the People, for general information ; that 10,000 copies be published for circulation by members of the Convention ; that the permanent Constitution of the "Confederate States of America" be published as part of such address ; and that one-fifth of the whole be in the German and Spanish languages, half in each language.

[Messrs. Pryor Lea, of Goliad, John Henry Brown, of Bell, and John D. Stell, of Leon, were appointed said committee.]

*Resolved*, That the chairman, (John Henry Brown,) of the committee on Printing be and he is hereby authorized to remain in Austin, after the adjournment of the Convention, to supervise and arrange the printing of such matter as has been ordered for this body ; Provided, that his per diem pay shall cease within ten days from the period of adjournment.

# CONSTITUTION

OF THE

## CONFEDERATE STATES OF AMERICA.

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We, the people of the Confederate States, each State acting in its sovereign and independent character, in order to form a permanent Federal Government, establish justice, insure domestic tranquility, and secure the blessings of Liberty to ourselves and our posterity—invoking the favor and guidance of Almighty God—do ordain and establish this Constitution for the Confederate States of America :

### ARTICLE I.

#### SECTION I.

All legislative powers herein delegated shall be vested in a Congress of the Confederate States, which shall consist of a Senate and House of Representatives.

#### SECTION II.

1. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall be citizens of the Confederate States, and have the qualifications requisite for electors of the most numerous branch of the State Legislature; but no person of foreign birth, not a citizen of the Confederate States, shall be allowed to vote for any officer, civil or political, State or Federal.

2. No person shall be a Representative, who shall not have attained the age of twenty-five years, and be a citizen of the Confederate States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Confederacy, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all slaves. The actual enu-

meration shall be made within three years after the first meeting of the Congress of the Confederate States, and within every subsequent term of ten years, in such manner as they shall, by law, direct. The number of Representatives shall not exceed one for every fifty thousand, but each State shall have, at least, one Representative; and until such enumeration shall be made, the State of South Carolina shall be entitled to choose six—the State of Georgia ten—the State of Alabama nine—the State of Florida two—the State of Mississippi seven—the State of Louisiana six, and the State of Texas six.

4. When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment; except that any judicial or other federal officer resident and acting solely within the limits of any State, may be impeached by a vote of two-thirds of both branches of the Legislature thereof.

### SECTION III.

1. The Senate of the Confederate States shall be composed of two Senators from each State, chosen for six years, by the Legislature thereof, at the regular session next immediately preceding the commencement of the term of service; and each Senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained the age of thirty years, and be a citizen of the Confederate States, and who shall not, when elected, be an inhabitant of the State for which he shall be chosen.

4. The Vice President of the Confederate States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a Presi-

dent pro tempore, in the absence of the Vice President, or when he shall exercise the office of President of the Confederate States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the Confederate States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment, in cases of impeachment, shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the Confederate States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

#### SECTION IV.

1. The times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof, subject to the provisions of this Constitution; but the Congress may, at any time by law, make or alter such regulations, except as to the times and places of choosing Senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

#### SECTION V.

1. Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each House may provide.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds of the whole number, expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

## SECTION VI.

1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the Confederate States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same ; and for any speech or debate in either House, they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the Confederate States, which shall have been created, or the emoluments whereof shall have been increased, during such time ; and no person holding any office under the Confederate States shall be a member of either House during his continuance in office ; but Congress may by law grant to the principal officer in each of the Executive Departments a seat upon the floor of either House, with the privilege of discussing any measures appertaining to his department.

## SECTION VII.

1. All bills for raising revenue shall originate in the House of Representatives ; but the Senate may propose or concur with amendments, as on other bills.

2. Every bill which shall have passed both Houses, shall, before it becomes a law, be presented to the President of the Confederate States ; if he approve, he shall sign it ; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law. The President may approve any appropriation and disapprove any other appropriation in the same bill. In such

case he shall, in signing the bill, designate the appropriations disapproved ; and shall return a copy of such appropriations, with his objections, to the House in which the bill shall have originated ; and the same proceedings shall then be had as in case of other bills disapproved by the President.

3. Every order, resolution, or vote, to which the concurrence of both Houses may be necessary, (except on a question of adjournment,) shall be presented to the President of the Confederate States ; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be re-passed by two-thirds of both Houses, according to the rules and limitations prescribed in the case of a bill.

#### SECTION VIII.

The Congress shall have power—

1. To lay and collect taxes, duties, imposts, and excises, for revenue necessary to pay the debts, provide for the common defence and carry on the Government of the Confederate States ; but no bounties shall be granted from the Treasury, nor shall any duties or taxes on importations from foreign nations be laid to promote or foster any branch of industry ; and all duties, imposts and excises shall be uniform throughout the Confederate States.

2. To borrow money on the credit of the Confederate States.

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes ; but neither this nor any other clause contained in the Constitution shall ever be construed to delegate the power to Congress to appropriate money for any internal improvement, intended to facilitate commerce, except for the purpose of furnishing lights, beacons and buoys, and other aids to navigation upon the coasts, and the improvement of harbors and the removing of obstructions in river navigation ; in all which cases such duties shall be laid on the navigation facilitated thereby, as may be necessary to pay the costs and expenses thereof.

4. To establish uniform laws of naturalization, and uniform laws on the subject of bankruptcies, throughout the Confederate States ; but no law of Congress shall discharge any debt contracted before the passage of the same.

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

6. To provide for the punishment of counterfeiting the securities and current coin of the Confederate States.

7. To establish post-offices and post-roads : but the expenses

of the Post-office Department, after the first day of March, in the year of our Lord eighteen hundred and sixty-three, shall be paid out of its own revenues.

8. To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

9. To constitute tribunals inferior to the Supreme Court.

10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations.

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years.

13. To provide and maintain a navy.

14. To make rules for the government and regulation of the land and naval forces.

15. To provide for calling forth the militia to execute the laws of the Confederate States, suppress insurrections, and repel invasions.

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the Confederate States, reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

17. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of one or more States and the acceptance of Congress, become the seat of Government of the Confederate States; and to exercise like authority over all places purchased, by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings: and,

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the Confederate States, or in any department or officer thereof.

#### SECTION IX.

1. The importation of negroes of the African race from any foreign country other than the slaveholding States or Territories of the United States of America, is hereby forbidden, and Congress is required to pass such laws as shall effectually prevent the same.

2. Congress shall also have power to prohibit the introduction

of slaves from any State not a member of, or Territory not belonging to, this Confederacy.

3. The privilege of the writ of *habeas corpus* shall not be suspended, unless, when in cases of rebellion or invasion, the public safety may require it.

4. No bill of attainder, *ex post facto* law, or law denying or impairing the right of property in negro slaves, shall be passed.

5. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

6. No tax or duty shall be laid on articles exported from any State except by a vote of two-thirds of both Houses.

7. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.

8. No money shall be drawn from the treasury, but in consequence of appropriations made by law ; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

9. Congress shall appropriate no money from the Treasury except by a vote of two-thirds of both Houses, taken by yeas and nays, unless it be asked and estimated for by some one of the Heads of Department and submitted to Congress by the President ; or for the purpose of paying its own expenses and contingencies ; or for the payment of claims against the Confederate States, the justice of which shall have been judicially declared by a tribunal for the investigation of claims against the Government, which it is hereby made the duty of Congress to establish.

10. All bills appropriating money, shall specify, in Federal currency, the exact amount of each appropriation, and the purposes for which it is made, and Congress shall grant no extra compensation to any public contractor, officer agent or servant, after such contract shall have been made, or such service rendered.

11. No title of nobility shall be granted by the Confederate States ; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince or foreign State.

12. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof ; or abridging the freedom of speech, or of the press ; or the right of the people peaceably to assemble and petition the Government for a redress of grievances.

13. A well regulated militia being necessary to the security

of a free State, the right of the people to keep and bear arms, shall not be infringed.

14. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner ; nor in time of war, but in a manner to be prescribed by law.

15. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated ; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

16. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger ; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb ; nor be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law ; nor shall private property be taken for public use, without just compensation.

17. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation ; to be confronted with the witnesses against him ; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

18. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact so tried by a jury shall be otherwise re-examined in any court of the Confederacy than according to the rules of the common law.

19. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

20. Every law, or resolution having the force of law, shall relate to but one subject, and that shall be expressed in the title.

#### SECTION X.

1. No State shall enter into any treaty, alliance or confederation ; grant letters of marque and reprisal ; coin money ; make anything but gold and silver coin a tender in payment

of debts ; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts ; or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws ; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the Confederate States ; and all such laws shall be subject to the revision and control of Congress.

3. No State shall, without the consent of Congress, lay any duty on tonnage, except on sea-going vessels, for the improvement of its rivers and harbors, navigated by the said vessels ; but such duties shall not conflict with any treaties of the Confederate States with foreign nations ; and any surplus revenue thus derived shall, after making such improvement, be paid into the common treasury ; nor shall any State keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war unless actually invaded, or in such imminent danger as will not admit of delay ; but when any river divides or flows through two or more States, they may enter into compacts with each other to improve the navigation thereof.

## ARTICLE II.

### SECTION I.

1. The Executive power shall be vested in a President of the Confederate States of America. He and the Vice-President shall hold their offices for the term of six years ; but the President shall not be re-eligible. The President and Vice-President shall be elected as follows :

2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress ; but no Senator or Representative, or person holding an office of trust or profit under the Confederate States, shall be appointed an Elector.

3. The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom at least shall not be an inhabitant of the same State with themselves.—They shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-Presi-

dent, and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify and transmit, sealed, to the seat of Government of the Confederate States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed, and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately by ballot the President. But in choosing the President the votes shall be taken by States, the Representation from each State having one vote. A quorum for this purpose shall consist of a member or members from two-thirds of the States and a majority of all the States shall be necessary to a choice; and if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President as in case of the death or other constitutional disability of the President.

4. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President. A quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

5. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the Confederate States.

6. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the Confederate States.

7. No person, except a natural born citizen of the Confederate States, or a citizen thereof at the time of the adoption of this Constitution, or citizen thereof born in the United States prior to the twentieth of December, 1860, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been

fourteen years a resident within the limits of the Confederate States as they may exist at the time of his election.

8. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of said office, the same shall devolve on the Vice-President and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President; and such officer shall act accordingly until the disability be removed or a President shall be elected.

9. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the Confederate States, or any of them.

10. Before he enters on the execution of his office, he shall take the following oath or affirmation :

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the Confederate States, and will, to the best of my ability, preserve, protect and defend the Constitution thereof

## SECTION II.

1. The President shall be Commander-in-Chief of the army and navy of the Confederate States, and of the militia of the several States, when called into the actual service of the Confederate States; he may require the opinion, in writing, of the principal officer in each of the Executive Departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the Confederate States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court and all other officers of the Confederate States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the Heads of Departments.

3. The principal officer in each of the Executive Departments, and all persons connected with the diplomatic service

may be removed from office at the pleasure of the President.— All other civil officers, of the Executive Department, may be removed at any time by the President, or other appointing power, when their services are unnecessary, or for dishonesty, incapacity, inefficiency, misconduct or neglect of duty ; and when so removed, the removal shall be reported to the Senate, together with the reasons therefor.

4. The President shall have power to fill all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session ; but no person rejected by the Senate shall be reappointed to the same office during their ensuing recess.

#### SECTION III.

1. The President shall from time to time give to the Congress information of the state of the Confederacy, and recommend to their consideration such measures as he shall judge necessary and expedient ; he may, on extraordinary occasions, convene both Houses, or either of them ; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper ; he shall receive Ambassadors and other public Ministers ; he shall take care that the laws be faithfully executed, and shall commission all the officers of the Confederate States.

#### SECTION IV.

The President, Vice-President, and all civil officers of the Confederate States, shall be removed from office on impeachment for, and conviction of treason, bribery or other high crimes and misdemeanors.

### ARTICLE III.

#### SECTION 1.

1. The judicial power of the Confederate States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior courts, shall hold their offices during good behavior ; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

#### SECTION II.

1. The Judicial power shall extend to all cases arising under this Constitution, the laws of the Confederate States, and treat-

ies made, or which shall be made, under their authority ; to all cases affecting Ambassadors, other public ministers and consuls ; to all cases of admiralty and maritime jurisdiction ; to controversies to which the Confederate States shall be a party ; to controversies between two or more States ; between a State and citizen of another State, where the State is plaintiff ; between citizens claiming lands under grants of different States ; and between a State, or the citizens thereof, and foreign States, citizens, or subjects ; but no State shall be sued by a citizen or subject of any foreign State.

2. In all cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury ; and such trial shall be held in the State where the said crimes shall have been committed ; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

#### SECTION III.

1. Treason against the Confederate States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

### ARTICLE IV.

#### SECTION I.

1. Full faith and credit shall be given in each State to the public acts, records and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

#### SECTION II.

1. The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States, and shall

have the right of transit and sojourn in any State of this Confederacy, with their slaves and other property ; and the right of property in said slaves shall not be thereby impaired.

2. A person charged in any State with treason, felony or other crime, against the laws of such State, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No slave or other person held to service or labor in any State or Territory of the Confederate States, under the laws thereof, escaping, or lawfully carried into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor ; but shall be delivered up on claim of the party to whom such slave belongs, or to whom such service or labor may be due.

### SECTION III.

1. Other States may be admitted into this Confederacy by a vote of two-thirds of the whole House of Representatives, and two-thirds of the Senate—the Senate voting by States ; but no new State shall be formed or erected within the jurisdiction of any other State ; nor any State be formed by the junction of two or more States or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations concerning the property of the Confederate States, including the lands thereof.

3. The Confederate States may acquire new territory, and Congress shall have power to legislate and provide governments for the inhabitants of all territory belonging to the Confederate States lying without the limits of the several States, and may permit them, at such times and in such manner as it may by law provide, to form States to be admitted into the Confederacy. In all such territory, the institution of negro slavery, as it now exists in the Confederate States, shall be recognized and protected by Congress, and by the Territorial Government ; and the inhabitants of the several Confederate States and Territories shall have the right to take to such territory any slaves lawfully held by them, in any of the States or Territories of the Confederate States.

4. The Confederate States shall guarantee to every State that now is, or hereafter may become, a member of this Con-

federacy, a republican form of government, and shall protect each of them against invasion ; and on application of the Legislature, or of the Executive when the Legislature is not in session, against domestic violence.

## ARTICLE V.

### SECTION I.

1. Upon the demand of any three States, legally assembled in their several Conventions, the Congress shall summon a Convention of all the States to take into consideration such amendments to the Constitution as the said States shall concur in suggesting at the time when the said demand is made ; and should any of the proposed amendments to the Constitution be agreed on by the said Convention, voting by States, and the same be ratified by the Legislatures of two-thirds of the several States, or by Conventions in two-thirds thereof, as the one or the other mode of ratification may be proposed by the General Convention, they shall thenceforward form a part of this Constitution. But no State shall, without its consent, be deprived of its equal representation in the Senate.

## ARTICLE VI.

### SECTION I.

The Government established by this Constitution is the successor of the Provisional Government of the Confederate States of America, and all the laws passed by the latter shall continue in force until the same shall be repealed or modified ; and all the officers appointed by the same shall remain in office until their successors are appointed and qualified, or the offices abolished.

### SECTION II.

All debts contracted and engagements entered into before the adoption of this Constitution, shall be as valid against the Confederate States, under this Constitution, as under the Provisional Government.

### SECTION III.

This Constitution and the laws of the Confederate States, made in pursuance thereof, and all treaties made, or which shall

be made under the authority of the Confederate States, shall be the supreme law of the land; and the Judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

#### SECTION IV.

The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the Confederate States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the Confederate States.

#### SECTION V.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people of the several States.

#### SECTION VI.

The powers not delegated to the Confederate States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people thereof.

### ARTICLE VII.

1. The ratification of the Conventions of five States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

2. When five States shall have ratified this Constitution, in the manner before specified, the Congress, under the Provisional Constitution, shall prescribe the time for holding the election of President and Vice-President, and for the meeting of the electoral college, and for counting the votes, and inaugurating the President. They shall also prescribe the time for holding the first election of members of Congress under this Constitution, and the time for assembling the same. Until the assembling of such Congress, the Congress under the Provisional Constitution shall continue to exercise the legislative powers granted them, not extending beyond the time limited by the Constitution of the Provisional Government.

## EXTRACT FROM THE JOURNAL OF THE CONGRESS.

CONGRESS, March 11, 1861.

On the question of the adoption of the Constitution of the Confederate States of America, the vote was taken by yeas and nays; and the Constitution was unanimously adopted, as follows:

Those who voted in the affirmative being Messrs. Walker, Smith, Curry, Hale, McRae, Shorter and Fern, of Alabama, (Messrs. Chilton and Lewis being absent); Messrs. Morton, Anderson and Owens, of Florida; Messrs. Toombs, Howell Cobb, Bartow, Nisbet, Hill, Wright, Thomas R. R. Cobb and Stephens, of Georgia, (Messrs. Crawford and Kenan being absent); Messrs. Perkins, De Clonet, Conrad, Kenner, Sparrow and Marshall, of Louisiana; Messrs. Harris, Brooke, Wilson, Clayton, Barry and Harrison, of Mississippi; (Mr. Campbell being absent), Messrs. Rhett, Barnwell, Keitt, Chesnut, Memminger, Miles, Withers and Boyce, of South Carolina; Messrs. Reagan, Hemphill, Waul, Gregg, Oldham and Ochiltree, of Texas, (Mr. Wigfall being absent.)

A true copy:

J. J. HOOPER,  
*Secretary of the Congress.*

CONGRESS, March 11, 1861.

I do hereby certify that the foregoing are, respectively, true and correct copies of "The Constitution of the Confederate States of America," unanimously adopted this day, and of the yeas and nays, on the question of the adoption thereof.

HOWELL COBB,  
*President of the Congress.*

# ORDINANCES

PASSED BY THE

## STATE CONVENTION.

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### No. 1.—AN ORDINANCE

*To dissolve the union between the State of Texas and the other States, united under the compact styled “The Constitution of the United States of America.*

WHEREAS, The Federal Government has failed to accomplish the purposes of the compact of union between these States, in giving protection either to the persons of our people upon an exposed frontier, or to the property of our citizens; and, whereas, the action of the Northern States of the Union is violative of the compact between the States and the guarantees of the Constitution; and, whereas, the recent developments in Federal affairs, make it evident that the power of the Federal Government is sought to be made a weapon with which to strike down the interest and prosperity of the people of Texas and her sister slaveholding States, instead of permitting it to be, as was intended, our shield against outrage and aggression: therefore,

SECTION 1. *We, the People of the State of Texas, by delegates in Convention assembled, Do declare and ordain, that the ordinance adopted by our convention of delegates, on the fourth day of July, A. D. 1845, and afterwards ratified by us, under which the Republic of Texas was admitted into union with other States and became a party to the compact styled “The*

Constitution of the United States of America," be, and is hereby repealed and annulled; that all the powers, which by said compact were delegated by Texas to the Federal Government, are revoked and resumed; that Texas is of right absolved from all restraints and obligations incurred by said compact, and is a separate sovereign State, and that her citizens and people are absolved from all allegiance to the United States, or the Government thereof.

SEC. 2. This ordinance shall be submitted to the people of Texas for their ratification or rejection by the qualified voters thereof, on the 23rd day of February, 1861, and, unless rejected by a majority of the votes cast, shall take effect and be in force on and after the 2nd day of March, A. D. 1861. Provided, that in the Representative district of El Paso, said election may be held on the 18th day of February, 1861.

Adopted in Convention, at Austin City, the first day of February, 1861.

EDWIN WALLER,  
L. A. ABERCROMBIE,  
W. A. ALLEN,  
JAMES M. ANDERSON,  
T. S. ANDERSON,  
JAMES R. ARMSTRONG,  
RICHARD L. ASKEW,  
W. S. J. ADAMS,  
WM. C. BATTE,  
S. W. BEASLEY,  
JOHN BOX,  
H. NEWTON BURDITT,  
JAMES M. BURROUGHS,  
JOHN I. BURTON,  
S. E. BLACK,  
W. T. BLYTHE,  
AMZI BRADSHAW,  
R. WEAKLEY BRAHAN,  
A. S. BROADDUS,  
JNO. HENRY BROWN,  
ROBERT C. CAMPBELL,  
LEWIS F. CASEY,  
WM. CHAMBERS,  
T. J. CHAMBERS,  
JOHN GREEN CHAMBERS,  
N. B. CHARLTON,

O. M. ROBERTS, *President.*  
GEO. W. CHILTON,  
ISHAM CHISUM,  
WM. CLARK, Jr.,  
J. A. CLAYTON,  
CHARLES L. CLEVELAND,  
A. G. CLOPTON,  
RICHARD COKE,  
JAMES E. COOK,  
JON W DANCY,  
A. H. DAVIDSON,  
C. DEEN,  
THOS. J. DEVINE,  
THOMAS G. DAVENPORT,  
JAS. J. DIAMOND,  
WM. W. DIAMOND,  
JNO. DONELSON,  
JOSEPH H. DUNHAM,  
EDWARD DOUGHERTY,  
H. H. EDWARDS,  
ELBERT EARLY,  
JOHN N. FALL,  
DRURY FIELD,  
JOHN H. FEENEY,  
GEORGE FLOURNOY,  
SPENCER FORD,  
JOHN S. FORD,

THOMAS C. FROST,  
 AMOS P. GALLOWAY,  
 CHARLES GANAHL,  
 ROBERT S. GOULD,  
 ROBERT GRAHAM,  
 MALCOM D. GRAHAM,  
 PETER W. GRAY,  
 JNO. A. GREEN,  
 JOHN GREGG,  
 WM. P. HARDEMAN,  
 JOHN R. HAYES,  
 PHILEMON T. HERBERT,  
 A. W. O. HICKS,  
 THOS. B. J. HILL,  
 ALFRED M. HOBBY,  
 JOS. L. HOGG,  
 J. J. HOLT,  
 JAMES HOOKER,  
 EDWARD R. HORD,  
 RUSSELL HOWARD,  
 A. CLARK HOYL,  
 THOS. P. HUGHES,  
 J. W. HUTCHESON,  
 JNO. IRELAND,  
 THOS. J. JENNINGS,  
 F. JONES,  
 W. C. KELLY,  
 T. KOESTER,  
 C. M. LESUEUR,  
 F. W. LATHAM,  
 PRYOR LEA,  
 JAMES S. LESTER,  
 JOHN LITTLETON,  
 M. F. LOCKE,  
 OLIVER LOFTIN,  
 THOS. S. LUBBOCK,  
 P. N. LUCKETT,  
 HENRY A. MALTBY,  
 JESSE MARSHALL,  
 JAMES M. MAXEY,  
 LEWIS W. MOORE,  
 WM. McCRAVEN,  
 WM. McINTOSH,  
 GILCHRIST McKAY,  
 THOMAS M. McCRAW,  
 WM. GOODLOE MILLER,  
 ALBERT N. MILLS,  
 THOMAS MOORE,  
 THOS. C. MOORE,  
 CHARLES de MONTEL,  
 B. F. MOSS,  
 JOHN MULLER,  
 THOS. J. NASH,  
 A. NAUENDORF  
 T. C. NEEI  
 ALLISON NELSON,  
 JAMES F. NEWSOM,  
 W. M. NEYLAND,  
 E. B. NICHOLS,  
 A. J. NICHOLSON,  
 E. P. NICHOLSON,  
 JAMES M. NORRIS,  
 ALFRED T. OBENCHAIN,  
 W. B. OCHILTREE,  
 W. S. OLDHAM,  
 R. J. PALMER,  
 W. M. PAYNE,  
 W. K. PAYNE,  
 WILLIAM M. PECK,  
 W. R. POAG,  
 ALEXANDER POPE,  
 DAVID Y. PORTIS,  
 D. M. PRENDERGAST,  
 WALTER F. PRESTON,  
 F. P. PRICE,  
 A. T. RAINÉY,  
 JOHN H. REAGAN,  
 C. RECTOR,  
 P. G. RHOME,  
 E. S. C. RORERTSON,  
 J. C. ROBERTSON,  
 J. B. ROBERTSON,  
 WILLIAM P. ROGERS,  
 JAMES H. ROGERS,  
 EDWARD M. ROSS,  
 JNO. RUGELEY,  
 H. R. RUNNELS,  
 E. B. SCARBOROUGH,

WM. T. SCOTT,  
 WILLIAM READ SCURRY,  
 JAMES E. SHEPARD,  
 SAM S. SMITH,  
 GIDEON SMITH,  
 JOHN D. STELL,  
 JOHN G. STEWART,  
 CHARLES STEWART,  
 F. S. STOCKDALE,  
 WM. H. STEWART,  
 PLEASANT TAYLOR,  
 B. F. TERRY,  
 NATHANIEL TERRY,  
 E. THOMASON.

JAMES G. THOMPSON,  
 W. S. TODD,  
 JAMES WALWORTH,  
 R. H. WARD,  
 WM. WARREN,  
 JAS. C. WATKINS,  
 JOHN A. WHARTON,  
 JOSEPH P. WIER,  
 JNO. A. WILCOX,  
 A. P. WILEY,  
 BEN WILLIAMS,  
 JASON WILSON,  
 PHILIP A. WORK.

Delegates who served only at the adjourned session, and signed the Ordinance on, or after the second day of March:

D. M. STAPP,  
 JOHN A. CHAMBERS,  
 ELI H. BAXTER,  
 WM. A. MONTGOMERY,  
 TIGNAL W. JONES,  
 JAMES W. HENDERSON,  
 CHARLES A. RUSSELL,  
 GEORGE H. BAGBY,  
 NOAH COX,

M. J. HALL,  
 WM. NASH,  
 J. L. L. McCALL,  
 WM. A. MATTOX,  
 JOHN R. HENRY,  
 T. J. WORD,  
 WILKINS HUNT,  
 JAMES M. HARRISON,  
 SAMUEL A. WILSON.

R. T. BROWNRISS, *Secretary*,

W. M. DUNN SCHOOLFIELD, *Assistant Secretary*,

R. W. LUNDAY,                    "                    "

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## No. 2.—AN ORDINANCE

*Prescribing the mode of election to be held for the rejection or ratification of the Ordinance of Separation of the State of Texas from the United States of America.*

SECTION 1. *The people of Texas in Convention assembled, Do declare and ordain, and it is hereby declared and ordained, that a general election shall be held on the 23d day of February, A. D., 1861, for the purpose of rejecting or ratifying the ordinance of Secession of the State of Texas from the United States of*

America, passed by this Convention on the first day of February A. D., 1861.

SEC. 2 The said election shall be held in the usual manner, except that each county shall be an electoral district, and the vote returned by the proper officer of such county to the President or Secretary of this Convention, at Austin.

SEC. 3. The election shall be held at each precinct by the presiding officer of such precinct, either with or without an order of election from the Chief Justice of the county.

SEC. 4. The returns from the precincts shall be made on or before the 26th day of February, 1861, either to the Chief Justice, County Clerk, or any one of the County Commissioners of the respective counties.

SEC. 5. The manner of making returns to the Chief Justice, County Clerk, or Commissioner, shall be the same as that used in the ordinary elections, and the returns made to the President or Secretary of the Convention, shall be made in the manner now prescribed by law for making returns of elections to the office of Secretary of State.

SEC. 6. It shall be the duty of the officer to whom the returns of his county shall be made, to count the votes and certify the result, and transmit the same to the President or Secretary of the Convention, in duplicate, at different times, by mail, or by some discreet person, on the 26th day of February, or sooner, if the complete returns of the county shall have been sooner made; and also deposite a copy of said returns in the County Clerk's office.

SEC. 7. The aggregate vote shall be counted by the President and Secretary of the Convention, on or after the 2nd day of March, A. D., 1861, as the Convention may determine; and the result of the vote of the State shall be then proclaimed by the President and Secretary of the Convention, or either of them.

SEC. 8. The manner of voting shall be by ballot, "For Secession," or "Against Secession," and each qualified elector shall be permitted to vote in any county of the State.

SEC. 9. The citizens of the county of El Paso may hold the election, for the purpose herein specified, on the 18th day of February, A. D., 1861.

Adopted in Convention, at Austin, on this the first day of February, A. D., 1861.

## No. 3.—AN ORDINANCE

*To secure the friendship and co-operation of the people of the Territories of Arizona and New Mexico, and also of the Choctaw, Chickasaw, Cherokee, Creek and Seminole nations of Indians.*

*Be it ordained by the people of Texas, in Convention assembled, That Simeon Hart and P. T. Herbert be appointed Commissioners, to proceed at once to the territories of Arizona and New Mexico, with instructions to invite the co-operation of the people of said territories in the formation of a Southern Confederacy.*

*And be it further ordained, That James E. Harrison, James Bourland and Charles A. Hamilton be and they are hereby appointed Commissioners to proceed, at once, to the Choctaw, Chickasaw, Cherokee, Seminole and Creek nations, with instructions to invite the speedy and prompt co-operation of the people of said nations in the formation of a Southern Confederacy.*

*Be it further ordained, That said Commissioners are hereby authorized and empowered to act separately or jointly, as may be best, and that each one of said Commissioners be commissioned by the President of this Convention, attested by the Secretary; and that they also be furnished with an attested copy of the ordinance of secession, and that they be instructed to lay the same before the people of said territories and nations; and the President of this Convention be instructed to correspond immediately with the proper authorities of the States of Mississippi and Arkansas, requesting them to appoint Commissioners from said States to co-operate with the Texas Commissioners in their mission to the Indian nations.*

Adopted in Convention, at Austin, on the 4th day of February, A. D., 1861.

## No. 4.—AN ORDINANCE

*Relating to the removal of the United States troops from the limits of the State of Texas.*

WHEREAS, The terms of an agreement between the Commissioners of this Convention and Brevet Maj. Gen. Twiggs, Comman-

der of the Military Department of Texas, require that the troops now within the jurisdiction of Texas shall be removed from the State, by way of the coast, as soon as possible; therefore,

*Be it ordained by the people of Texas, in Convention assembled,* That all monies, transports, vessels or other supplies sent to Texas, after the 18th February, 1861, by the government or authorities of the United States of America, necessary and intended in good faith to facilitate the removal of troops from this State, shall not be seized or otherwise interfered with by the authorities or citizens of the State of Texas.

Done at the city of Austin, Texas, on the 4th day of March, A. D., 1861.

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#### No. 5.—AN ORDINANCE

*In relation to a union of the State of Texas with the Confederate States of America.*

WHEREAS, The Convention of this State has received information that the Congress of the Confederate States of America, now in session at the city of Montgomery, in the State of Alabama, has adopted a Constitution for a Provisional Government, which Constitution is modelled on that of the United States of America, and, whereas, as a seceded State, it becomes expedient and proper that Texas should join said Confederacy and share its destinies; and, whereas, a delegation, consisting of seven members, has already been elected by the Convention to the Congress of the Confederacy aforesaid: therefore,

SECTION 1. *The people of Texas in Convention assembled,* Have ordained and declared, and do hereby ordain and declare, that the delegation aforesaid, to the Congress aforesaid, be, and they are hereby instructed, and we do accordingly instruct them, in behalf of the State, and as representing its sovereign authority, to apply for the admission of this State into said Confederacy; and to that end and for that purpose, to give in the adhesion of Texas to the provisional Constitution of said Confederate States; and which said Constitution, this Convention hereby approves, ratifies and accepts.

SEC. 2. *Be it further ordained,* That the delegation appointed by this Convention to the Congress of the Confederate States,

be and they are hereby authorized to act in said Congress as the duly accredited representatives of the State of Texas; provided, however, that any permanent Constitution which may be formed by said Congress shall not become obligatory on this State until approved by the people in such way as shall be determined upon.

SEC. 3. *Be it further ordained*, that The President of the Convention immediately transmit, through such channel as he may elect, a copy or copies of this ordinance to the Congress at Montgomery, and the members of Congress from this State.

Done at Austin City, March 5th, A. D., 1861.

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#### No. 6.—AN ORDINANCE

*In Relation to Custom House Officers, and Customs Revenue.*

*The People of Texas, in Convention Assembled*, have ordained and declared, and do ordain and declare as follows, to-wit:

First. All Custom House officers and Light House keepers in office in this State (including all such as may have resigned in consequence of the anticipated secession of this State from the Federal Union) on the 2nd day of March, 1861, by appointment from the United States of America, shall remain in office and continue to perform the duties of the same, till superseded by either the government of this State, or that of the Confederate States of America: *provided*, however, they shall respectively enter into bonds payable to the State, in an amount not less than that of the bonds given by them respectively to the United States of America; the condition being the same, with good and sufficient security, to be approved by any District Judge of the State, and also by taking the official oath prescribed by this Convention.

Second. That the collectors of the customs aforesaid, shall close their accounts of customs, and also their accounts as disbursing officers, up to the second day of March, 1861, showing the balance for or against said officers, which balance, if in favor of the United States of America, together with all revenue which had been received since said 2nd day of March, 1861, and all hereafter collected—after deducting the necessary expenses for disbursement shall be deemed and taken to be the property of the State and accounted for to the Comptroller of the State, and paid into the Treasury of the State, to the credit of the Convention, and by the Treasurer be disbursed in such way as the Convention may hereafter point out.

*Third.* That the tariff laws of the Confederate States of America, assessing duties, fixing the fees of office and regulating the registration of vessels, shall be observed and followed by the several collectors of Customs of the State: *provided*, however, that duties shall not be imposed or collected upon goods, wares and merchandise imported into the State, from the Confederate States of America.

Done at the city of Austin, Texas, March 8th, 1861.

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#### No. 7.—AN ORDINANCE

*To authorize the purchase of arms for the use of the State.*

*We, the People of the State of Texas, in Convention assembled,* Do declare and ordain, and it is hereby declared and ordained, that Major Ben McCulloch be, and is hereby appointed Commissioner to purchase, or otherwise obtain for the State of Texas, one thousand Colt's revolvers, and one thousand Morse's rifles, with the necessary cartridges and accoutrements; or a like number of such other weapons of similar character as he may approve, and as can be obtained. And he is hereby authorized and empowered to pledge the faith of the State of Texas for the fulfillment of any contract or contracts he may enter into in pursuance to this Ordinance: *provided*, however, that the purchase money for said arms shall not be made payable until the first of August, A. D. 1861: *and further provided*, that the amount to be paid shall be no more than the market value, with interest, for these weapons.

Adopted in Convention, at the city of Austin, the 9th day of March, in the year of our Lord, A. D., 1861.

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#### No. 8.—AN ORDINANCE

*To provide for the enrollment, publication and preservation of the Ordinances of the Convention.*

SECTION 1. *We the people of the State of Texas, in Convention assembled,* Do ordain and declare, and it is hereby ordained and declared, that the Ordinances of this Convention shall be correctly and duly enrolled and signed by the President

and Secretary of the Convention, and deposited in the office of the Secretary of State, and their remain as part and parcel of the archives of the State. And the Secretary of State is hereby authorized and required to furnish certified copies thereof in the manner now prescribed by law in relation to other certified copies from said office.

SEC. 2. *And be it further ordained and declared*, That it shall be the duty of the Secretary of State to superintend the printing of the Ordinances of the Convention, and he shall keep a register thereof, and cause them to be printed in the order in which they are enrolled and signed by the President and Secretary of the Convention. And he shall also prepare and have printed a minute and comprehensive index to the same, and shall certify at the end thereof, that the ordinances, as printed, are true copies of the enrolled ordinances filed in his office; and he shall deliver the engrossed ordinances to the Public Printer within the time prescribed by law for the printing of the laws and journals of the Legislature, and the said Public Printer be, and is hereby required to have printed, five hundred copies of the ordinances, and to deliver the same to the Secretary of State within sixty days from the adjournment of the Convention; under the same restrictions and liabilities imposed by law in relation to public printing.

SEC. 3. *And be it further ordained and declared*, That it shall be the duty of the Secretary of State, Treasurer and Comptroller or a majority of them, to advertise that sealed proposals will be received at the office of the Secretary of State for twenty days from the commencement of such advertisement, to do the printing contemplated in the foregoing section, together with such other printing as may be ordered by the Convention under like limitations, restrictions and liabilities imposed by the act of the 8th Legislature of this State; and the contract for the same shall be closed and confirmed accordingly.

SEC. 4. *And be it further ordained and declared*, That it shall be the duty of the Secretary of State to mail one copy of the ordinances of the Convention, immediately upon their reception from the Public Printer, to the Clerk of the county court in each of the organized counties in this State, and one copy to the President and Vice President of the Confederate States of America, and one copy to each of the Executive Departments of the Confederate States, and one copy to each of the Governors of the seceded States, and one copy to each of our Representatives in the Congress of the Confederate States, and it shall also be the duty of the Secretary of State to send by the

carrier of the laws and journals of the extraordinary session of the Legislature of this State, one copy to each of the members and officers of the Convention, and one copy to each Clerk of the district courts in this State.

SEC. 5. *And be it further ordained and declared* That it shall be the duty of the Secretary of this Convention to record the journals of the proceedings of this Convention in a well bound book to be kept for that purpose, and by him, to be deposited in the office of Secretary of State for safe preservation.

SEC. 6. *And be it further ordained and declared*, That it shall be the duty of the Secretary of this Convention to furnish the editor of the State Gazette with correct copies of the ordinances of the Convention for publication in the columns of that journal.

Adopted in Convention at Austin City, on the 9th day of March, A. D. 1861.

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#### No. 9.—AN ORDINANCE

##### *Respecting Public Property.*

SECTION 1. *Be it ordained by the people of the State of Texas, in Convention assembled*, That from and after the passage of this ordinance, all interest in, or title to, any property, real or personal, heretofore belonging to or now held for the late government of the United States, in Texas, other than that allowed the federal troops by the stipulations entered into between the Commissioners on behalf of the Convention and Brevet Major General David E. Twiggs, U. S. A., late Commanding the Department of Texas, be and the same is hereby declared vested in the State of Texas; subject, however, to such equitable arrangement as may be hereafter entered into with the Government of the United States.

SEC. 2. *Be it ordained*, That any person, or persons, who shall, upon demand made in the name of the State of Texas, by any person authorized by this Convention, fail or refuse to deliver up any personal property belonging to this State, by virtue of the preceding section of this ordinance, may be proceeded against by indictment or otherwise; and upon conviction, shall be fined in a sum not less than twice, nor more than four times the value of the property so withheld.

Adopted in Convention, at Austin City, the 9th day of March, A. D., 1861.

## No. 10.—AN ORDINANCE

*Concerning the Arms, Quartermaster's, Ordnance and Commissaries' Stores, recently surrendered to the State of Texas by the stipulations between the Commissioners of the State and Brevet Major General David E. Twiggs.*

SECTION 1. *Be it ordained by the people of Texas, in Convention Assembled,* That Sackfield Maclin be, and he is hereby authorized and commissioned to act as Adjutant and Inspector General and Chief of Ordnance, with the rank of Colonel of Cavalry ; and he shall keep his head-quarters at San Antonio until otherwise ordered, and shall discharge such duties as may be required of him in this Ordinance.

SEC. 2. *Be it further ordained,* That before entering upon the discharge of the duties of his office, he shall take the oath of allegiance to this State, as required by the Constitution as as amended by the Convention now in session, before the Chief Justice or any Notary Public of Bexar county, and shall file in the office of the clerk of the District Court of said county, his bond with such sureties as may be approved by S. A. Maverick, T. J. Devine and P. N. Luckett, Commissioners under whose control said property is now held ; conditioned that he will faithfully and impartially discharge the duties of his office.

SEC. 3. *Be it further ordained,* That upon the compliance with the requirements of the second section of this Ordinance, by said officer, the Commissioners, S. A. Maverick, T. J. Devine and P. N. Luckett, shall deliver to him all arms of every description, ammunition and everything belonging to the ordnance department, as the same was surrendered to said Commissioners by Gen. Twiggs, taking his receipt for the same.

SEC. 4. *Be it further ordained,* That said officer shall have the power and authority to appoint such number of assistant ordnance officers, not to rank in any case above a first Lieutenant, as may be necessary to take proper care of said property at the different posts or points where such officers may be needed to preserve the public property : *provided*, that in all such cases he shall require of the person or persons so appointed, before entering upon the duties of his office, the oath named in the second section of this Ordinance, and require of them such bond with such surety as may be satisfactory to him, payable to the State of Texas. Said oath may be administered by any officer of the State authorized to administer oaths ; said bonds may be filed in any District Clerk's office in any county in this State.

SEC. 5. *Be it further ordained*, That said officer shall have authority to do every thing necessary to preserve, protect and keep in good order said public property, and he shall deliver the same upon the requisition of the proper officer or agent of the State, as may be authorized to receive it, and in such quantities and numbers as the same may be authorized to demand, taking receipts for the same: *provided*, that nothing contained in this Ordinance shall be so construed as to interfere with the fulfillment of the stipulations made between heretofore named Commissioners and Brevet Major General Twiggs.

SEC. 6. *Be it further ordained*, That the officers created by this Ordinance shall be governed by the rules and receive the same pay and allowances for their services, allowed and provided in the rules and regulations of the United States army, as published in 1857; and the duration of their offices, duty and authority, and also the compensation for the same, shall be subject to and controlled by the Legislature of this State, and that of the Congress of the Confederate States.

SEC. 7. *Be it further ordained*, That said officer shall discharge the duties of Adjutant and Inspector General, and he shall require all officers in his department to report to him under said rules and regulations of 1857; but he shall not receive more pay than what is allowed to one officer.

SEC. 8. *Be it further ordained*, That Philip N. Luckett be and he is hereby appointed and commissioned a Quartermaster and Commissary General, with the rank of Lieutenant Colonel, who shall, before entering upon the discharge of his duties, take the oath required in the second section of this Ordinance, and file his bond in the sum of twenty thousand dollars, payable to the State of Texas, for the faithful discharge of his duties as Quartermaster; and upon his satisfying Commissioners S. A. Maverick and T. J. Devine, that he has complied herewith, they shall turn over the property of the Quartermaster's and Commissary's department to him, taking his receipt for the same; and he shall hold and manage said property by the laws, rules and regulations above alluded to, of 1857, and shall be governed in all respects, by the fifth section of this Ordinance; and that a copy of this Ordinance, properly certified, shall be given to said officers.

Adopted in Convention, at the city of Austin, on the 12th day of March, A. D., 1861.

## No. 12.—AN ORDINANCE

*To provide for the continuance of the existing State Government.*

SECTION 1. *Be it ordained by the People of Texas, in Convention assembled,* That all the existing laws of the State, not inconsistent with the Ordinance of Secession and other Ordinances of this Convention, shall be and remain in full force until repealed.

SEC. 2. *Be it further ordained,* That all officers of the existing State Government, upon taking the oath or affirmation prescribed by an Ordinance entitled "An Ordinance to amend the 1st section of the 7th article of the Constitution of the State of Texas," adopted by this Convention on the 14th day of March, A. D., 1861, shall continue in office for and during their respective terms. Should any officer of the Government refuse to take said oath or affirmation in the manner and within the time herein-after prescribed, then and in that case his office shall be deemed and held vacant, and the same filled, and the duties thereof discharged as though he were dead or had resigned.

SEC. 3. *Be it further ordained,* That the Governor of this State, the Lieutenant Governor, Secretary of State, Comptroller, Treasurer, Attorney General and Commissioner of the General Land Office, be required, at such hour as shall be designated to them, by notice given them by the President of the Convention, (said hour to be within three days, Sundays excepted, from and after the adoption of this Ordinance,) to appear in open Convention, and take the oath aforesaid, which shall be administered by any Justice of the Supreme Court or Judge of the District Court of this State; and members of this Convention who are now here and hold office under this State, shall take the oath prescribed, at 12 o'clock M., on the day after the adoption of this Ordinance.

SEC. 4. *Be it further ordained,* That all the officers of this State, not named in the next preceding section of this Ordinance, are required to take the oath aforesaid, before such officers as are authorized to administer official oaths, and in the manner prescribed by existing laws—the members of the Legislature, upon their re-assembling, and all others within forty days from the date of the adoption of this Ordinance; and the President of this Convention is hereby required to cause to be forwarded, a copy of this Ordinance to the Chief Justice of each county of this State, and the Chief Justice of each county, on receipt of

the same, shall forthwith notify the several officers of their respective counties, of the existence of this Ordinance.

Adopted in Convention, at the city of Austin, on the 14th day of March, A. D., 1861.

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No. 13.—AN ORDINANCE

*In furtherance of an Ordinance to provide for the continuance of the existing State Government.*

WHEREAS, An Ordinance was adopted by the people of the State of Texas, in Convention assembled, at the city of Austin, on Thursday the 14th day of March, A. D. 1861, entitled "an Ordinance to provide for the continuance of the existing State Government," by the provisions of which it was made incumbent upon the Governor, Lieut.-Governor, Secretary of State, Comptroller, Treasurer, Attorney General and Commissioner of the General Land Office, to take an official oath, prescribed by "an Ordinance to amend the 1st section of the 7th article (general provisions) of the Constitution of the State of Texas," adopted March 14, A. D., 1861, at such time as the President should appoint, within three days from the date of the passage of said Ordinance; and, whereas, the President of said Convention, in obedience to the provisions of said first named Ordinance, did appoint the hour of 12 o'clock, M., of Saturday the 16th day of March, 1861, as the hour at which said official oath should be taken, by said officers, and did cause to be given to said officers due and timely notice of the same; and, whereas, at the hour of 12 M., of Saturday, the 16th day of March, 1861, the Convention being in session and the President thereof having announced that the officer appointed therefor was prepared to administer the prescribed oath of office to said officers; and, whereas, Sam. Houston, Governor, and E. W. Cave, Secretary of State, failed and refused to appear and take the said oath, as Governor and Secretary of State; and, whereas, Edward Clark, Lieut.-Governor of the State of Texas, did at that hour take and subscribe the oath aforesaid, as Lieut.-Governor of the State: therefore,

SECTION 1. *Be it ordained by the people of Texas in Convention assembled,* That the office of Governor of the State of Texas, by reason of the refusal of the late Governor, Sam. Houston to take the official oath, is vacant, and that the Lieut.-Gov-

ernor, Edward Clark, is hereby required and authorized to exercise the powers and authority appertaining to the office of Governor, until another be chosen at the periodical election, and be duly qualified.

SEC. 2. *Be it further ordained*, That the office of Secretary of State, by reason of the said E. W. Cave having failed and refused to take the oath of office, prescribed in the above named Ordinance, at the time appointed, is hereby declared vacant; and that the said E. W. Cave be and is hereby required to turn over and deliver to his successor in office, the great seal of State, all papers, archives, or other property belonging or in any wise appertaining to the State Department of State, upon demand made by said officer.

SEC. 3. *Be it ordained*, That the President of this Convention be and he is hereby required to transmit a copy of this Ordinance to Sam. Houston, late Governor, and E. W. Cave, late Secretary of State, of the State of Texas; and Edward Clark, Lieut. Governor; and also to the presiding officers of the two houses of the State Legislature.

Adopted in Convention at Austin, the 16th day of March, A. D., 1861.

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#### No. 14.—AN ORDINANCE

*To provide in part for the Military defence of the State of Texas.*

SECTION 1. *Be it ordained by the people of the State of Texas in Convention assembled*, That there shall be immediately raised and mustered into the service of the State of Texas, a regiment of mounted volunteers, consisting of ten companies, and each company shall consist of one hundred men, rank and file, to be enrolled for twelve months, unless sooner discharged by the Governor. The commissioned officers of each company to be elected by the men, the non-commissioned officers to be appointed by the Captains.

SEC. 2. That for the command of said regiment there shall be elected by this Convention a Colonel, a Lieutenant Colonel, and a Major, and appointed by said Colonel an Adjutant, a Quartermaster, a Commissary, a Regimental Surgeon, each with the rank of Captain, and such other officers and employees as the service may require, and as may be allowed by the laws, rules

and regulations governing the army of the Confederate States of America ; and for each of said companies there shall be elected as aforesaid, a Captain, a first Lieutenant, a second Lieutenant, and a Surgeon ; and appointed by the Captains four Sergeants, four Corporals and a Bugler.

SEC. 3. That there shall be appointed by the Governor an enrolling officer for each of said companies, who shall enroll the men and assist at their organization ; and, after said organization, the rolls shall be delivered to the Captains, who shall immediately return certified muster rolls to the Colonel. The companies shall be mustered into the service under the directions and by such officers as may be appointed by the Colonel for that purpose, and it shall be the special duty of the Colonel to superintend the arming and equipment of the men, in order that they may be brought into active service with as little delay as possible.

SEC. 4. That the officers and men shall provide themselves with suitable horses and accoutrements, and if any soldier prefers to furnish his own arms he shall be permitted to do so, provided the arms furnished are adapted to the service, of which the mustering-in-officer shall determine; and there shall be allowed to each soldier who furnishes his own arms, one dollar per month additional pay : said officers and men shall be furnished, armed and equipped at the expense of the State, except their horses, accoutrements and clothing, and shall receive for their services the same pay that is allowed for service of the same character by the Confederate States of America.

SEC. 5. That said regiment shall be employed for the defence of the frontier of Texas, and in the prosecution of active campaigns into the Indian country ; and should the Confederate States adopt and accept said regiment as a part of their military force, then and in that case said regiment shall be subject to its orders and laws ; and while said force remains in the service of Texas it shall be governed by the laws, rules and regulations governing the army of the Confederate States of America.

SEC. 6. That while said regiment remains in the service of the State of Texas, the officer commanding the same shall report to the Governor of the State of Texas ; but if accepted by the Confederate States of America, the commanding officer shall report as may be required by the laws of the Confederate States.

SEC. 7. That such portion of the public property now belonging to the State of Texas, whether the same may consist of arms, munitions of war, army stores, transportation or any other thing which may be needful or necessary to the service, shall be and is

hereby appropriated for the use of said force, and shall be delivered to such officers or persons as may be authorized to demand and receive the same, upon the requisition of the proper officer for the purpose aforesaid.

SEC. 8. That the volunteer force now in the service of the State of Texas, shall be received as a part of the force hereby provided, upon their compliance with the provisions of this Ordinance.

SEC. 9. That the Governor of the State of Texas shall commission all the officers created by this Ordinance, who are by law required to be commissioned; and each of said officers shall, before entering upon the duties of his office, take the oath of office prescribed by this Convention for all State officers; and every disbursing officer herein provided for shall enter into bond payable to the State of Texas in such sums as may be required by the Treasurer and Comptroller of the State of Texas, and to be approved by them.

SEC. 10. *Be it further ordained*, That this Ordinance shall be and remain in full force and effect until otherwise provided by act of the Legislature of Texas, or by act of the Congress of the Confederate States.

Adopted in Convention, at Austin, on the 18th day of March, A. D. 1861.

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#### No. 15.—AN ORDINANCE

*Relating to the expenses, debts and liabilities of this Convention*

SECTION 1. *Be it ordained by the People of the State of Texas in Convention assembled*, That the Legislature be and it is hereby authorized and empowered to make provision for the payment of the mileage and per diem of the members of this Convention, and to make the necessary appropriations to meet the expenses, debts and liabilities incurred by authority of said Convention.

Adopted in Convention, at Austin, on the 19th day of March, A. D., 1861.

## No. 16.—AN ORDINANCE.

*To confer jurisdiction over the Forts, Navy Yards, Arsenals and Light-houses in the State of Texas, upon the Confederate States of America.*

SECTION 1. *Be it ordained by the people of the State of Texas in Convention assembled,* That the Government of the Confederate States is hereby authorized to use, occupy and hold possession of all Forts, Navy Yards, Arsenals and Light-houses and their appurtenances, in this State, and shall repair and rebuild said Forts, Navy Yards, Arsenals and Light-houses, and construct others in accordance with existing laws of this State, while this State shall continue a member of said Confederacy.

Adopted in Convention, at the city of Austin, on the 20th day of March, A. D., 1861.

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## No. 18.—AN ORDINANCE

*To ratify the Constitution of the Confederate States of America.*

*The people of the State of Texas assembled by delegates in Convention, ordain,* That the Constitution of the Confederate States of America, adopted March 11th, 1861, by the Congress of the Provisional government of said Confederacy, for the permanent government thereof, subject to ratification by the respective States, is hereby ratified, accepted and adopted, for the purposes therein expressed, on the part of this State, acting in its sovereign and independent character.

Adopted in Convention at the city of Austin, on the 23rd day of March, A. D., 1861.

[The above Ordinance passed by a vote of 128 yeas, to 2 nays.]

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## No. 19.—AN ORDINANCE

*Concerning certain commissioners and officers appointed by authority of this Convention.*

SECTION 1. *The people of Texas in Convention assembled, do ordain and declare,* That James E. Harrison, Charles A. Ham-

ilton and James Bourland, Commissioners accredited by this Convention to the Indian Nations; and Simeon Hart and P. T. Herbert, Commissioners to Arizona and New Mexico, shall make a full report of their acts and doings on said missions; to the Governor of this State, who shall transmit the same to the President of the Confederate States of America, retaining a copy of the same in the State Department.

SEC. 2. The Legislature of the State of Texas are hereby authorized by law to provide for the compensation of said commissioners and their secretary, for their services on said mission.

SEC. 3. That Col. John S. Ford, Col. Henry E. McCulloch, and E. B. Nichols, Hiram B. Waller and the Commissioners to San Antonio, report their accounts to the Governor, which have not been passed upon by this Convention, and that the Governor, Treasurer and Comptroller audit the same, and give certificates for the amount due each of them, if anything; for the payment of which the faith of the State is hereby pledged; provided no accounts shall be allowed except such as were created in obtaining and preserving the Federal property for the State, and defending the country.

SEC. 4. That Col. John S. Ford shall discharge the troops under his command on the Rio Grande, so soon as the regiment over which he has been called to command, (excepting such of them as may be retained in the service under the provisions of the Ordinance raising the regiment,) shall be mustered into service. That H. E. McCulloch shall discharge the troops under his command so soon as the regiment called out by the Confederate States shall be mustered into service.

Done in Convention, at Austin, this 23rd day of March, A. D., 1861.

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#### No. 20.—AN ORDINANCE

##### *Relating to the laws of the State of Texas.*

*Be it ordained by the people of Texas in Convention assembled,* That all the laws of the State of Texas now in force in which the words "United States," or "United States of America" occur, the words "Confederate States of America" shall be substituted in their stead, wherever it is necessary to adapt the laws to the present state of things; and hereafter the laws shall be printed and published in accordance with this Ordinance, as if the Legislature had so amended them.

Adopted in Convention, at the city of Austin, on the 23rd day of March, A. D., 1861.

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### NO. 22.—AN ORDINANCE

*Concerning the suits, records and papers, which pertained to the Federal Courts, in Texas.*

*The people of the State of Texas, assembled by delegates in Convention, Ordain that the Legislature of this State may provide, in its discretion, for jurisdiction and disposal of the suits, records and papers, which were in the Courts of the United States of America, in Texas, preceding and on the second day of March, eighteen hundred and sixty-one.*

Adopted in Convention, at the city of Austin, on the 25th day of March, A. D. 1861.

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### NO. 23.—AN ORDINANCE

*Specifying the Ordinances of the Convention which shall be subject to Legislative action.*

*Be it ordained by the people of Texas in Convention, That the several ordinances hereinafter specified by title and date, shall be subject to such action in relation thereto, by the Legislature of this State, as may be necessary and proper, to-wit:*

1. "Respecting public property." Adopted March 9th, 1861.
2. "In relation to Custom House officers and Customs Revenue." Adopted March 8th, 1861.
2. "To authorize the purchase of Arms for the use of the State." Adopted March 9th, 1861.
4. "Concerning the Arms, Quartermaster, Ordnance and Commissary stores recently surrendered to the State of Texas by the stipulations between the Commissioners of the State and Brevet Maj. Gen. David E. Twiggs." Adopted March 12th, 1861.
5. "To provide in part for the military defence of the State of Texas." Adopted March 18th, 1861.
6. "Relating to the laws of Texas." Adopted March 23rd, 1861.

Adopted in Convention, at the city of Austin, on the 25th day of March, A. D. 1861.

# RESOLUTIONS.

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## No. 1.—*Providing for the election of Delegates.*

*Resolved*, That this Convention proceed forthwith to elect, by ballot, seven delegates to represent the State of Texas in the Convention of slaveholding [seceded] States, at Montgomery, Alabama, in order that the views and interests of the people of Texas may be consulted, with reference to the Constitution and Provisional Government that may be established by said Convention.

Adopted in Convention, at the city of Austin, on the 4th day of February, A. D. 1861.

[Under the above resolution Louis T. Wigfall, John H. Reagan, John Hemphill, Thomas N. Waul, John Gregg, Williamson S. Oldham and William B. Ochiltree were elected delegates on the 4th day of February.]

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## No. 2.—*In relation to the Committee of Public Safety.*

*Resolved by the people of the State of Texas, by delegates in Convention assembled*, That should the standing committee of Public Safety deem it essential to the public safety to appoint commissioners, officers or persons, in reference to taking possession of any of the Federal property within the limits of this State, they shall have power to appoint such, and assign them their duties and give them the instructions under which they shall act; but this power shall only extend to such cases in which the committee may deem prompt action and secrecy absolutely necessary.

Adopted February 2, 1861.

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## No. 3.—*On the same subject.*

*Resolved*, That the standing committee on Public Safety shall continue in session during the recess of this Convention; that they hold their meetings at such times and places as in their

judgment the public interest requires ; that said committee may grant leave of absence to its members, provided such leave of absence shall not reduce the number left to a less number than nine.

2. *Resolved*, That said committee shall keep a full and accurate journal of their acts, in a well bound book, and report the same to the Convention on the re-assembling thereof, on the 2d day of March next.

Adopted February 4th, 1861.

REMARKS.

The Ordinances amending the State constitution, numbered 11, 17 and 21, are omitted, for the reason that they are incorporated, by sections, in brackets [ " " ], in the appropriate places in the body of the constitution, as now published.

JOHN HENRY BROWN, Ch'n committee.

DEPARTMENT OF STATE, {  
AUSTIN, TEXAS, April 2, 1861. }

I, BIRD HOLLAND, Secretary of State of the State of Texas, hereby certify that the convention of the people of Texas, by their Delegates, assembled in the city of Austin, on Monday, the 28th day of January, 1861;—that said convention adjourned the 5th day of February, to meet again on the SECOND DAY OF MARCH, 1861;—and that it did so re-assemble on said SECOND DAY OF MARCH, and adjourned *sine die* on the 25th day of the same month.

GIVEN under my hand and official seal on the day and year first above written, of the independence of Texas the twenty-sixth year, and of the "Confederate States of America" the first.

BIRD HOLLAND,  
Secretary of State.

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